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MATT BLUNT

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IN THIS ISSUE:

FROM THIS ANGLE217

EMERGENCY RULES

Department of Mental Health	
Certification Standards	219

PROPOSED RULES

Department of Conservation	
Conservation Commission	226
Department of Mental Health	
Certification Standards	226
Department of Natural Resources	
Clean Water Commission	235
Soil and Water Districts Commission	247
Department of Public Safety	
Adjutant General	247
Department of Fire Safety	247
Department of Revenue	
State Tax Commission	250
Elected Officials	
Secretary of State	251

ORDERS OF RULEMAKING

Department of Conservation	
Conservation Commission	253
Department of Economic Development	
Board of Examiners for Hearing Instrument Specialists	255
Public Service Commission	256
Department of Elementary and Secondary Education	
Missouri Commission for the Deaf	257

Department of Natural Resources	
Air Conservation Commission	275
Department of Social Services	
Division of Medical Services	276
Elected Officials	
Attorney General	277
Department of Insurance	
Financial Examination	277

IN ADDITIONS

Department of Conservation	
Conservation Commission	278
Department of Health and Senior Services	
Missouri Health Facilities Review Committee	278

DISSOLUTIONS279

BID OPENINGS

Office of Administration	
Division of Purchasing	280

RULE CHANGES SINCE UPDATE	281
EMERGENCY RULES IN EFFECT	289
REGISTER INDEX	291

Register Filing Deadlines	Register Publication	Code Publication	Code Effective
Nov. 1, 2001 Nov. 15, 2001	Dec. 3, 2001 Dec. 17, 2001	Dec. 31, 2001 Dec. 31, 2001	Jan. 30, 2002 Jan. 30, 2002
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January 2, 2002 January 16, 2002	February 1, 2002 February 15, 2002	February 28, 2002 February 28, 2002	March 30, 2002 March 30, 2002
February 1, 2002 February 15, 2002	March 1, 2002 March 15, 2002	March 31, 2002 March 31, 2002	April 30, 2002 April 30, 2002
March 1, 2002 March 15, 2002	April 1, 2002 April 15, 2002	April 30, 2002 April 30, 2002	May 30, 2002 May 30, 2002
April 1, 2002 April 15, 2002	May 1, 2002 May 15, 2002	May 31, 2002 May 31, 2002	June 30, 2002 June 30, 2002
May 1, 2002 May 15, 2002	June 3, 2002 June 17, 2002	June 30, 2002 June 30, 2002	July 30, 2002 July 30, 2002
June 3, 2002 June 17, 2002	July 1, 2002 July 15, 2002	July 31, 2002 July 31, 2002	August 30, 2002 August 30, 2002
July 1, 2002 July 15, 2002	August 1, 2002 August 15, 2002	August 31, 2002 August 31, 2002	September 30, 2002 September 30, 2002

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the web site at <http://mosl.sos.state.us/moreg/pubschedule.htm>.

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.



FROM THIS ANGLE....

Rulemaking Classes . . .

We continue to offer rulemaking classes to agencies that either feel the need for the same ----- or request the same. We are here to assist you in any stage of the rulemaking process and feel it is our job to help you throughout the process. Please call and schedule your class ----- large or small and we will be happy to offer whatever level of training you feel is needed for your agency. We have provided training to a handful of people on a very specific topic ----- all the way to an Interpretive Center full of people on specific types of rulemakings.

Thank you

Our last class was held on January 23rd with the Department of Social Services, Division of Medical Services. Our thanks to this agency for their participation and interest in assuring their rulemakings are as accurate as possible. We appreciate your interest, attendance and thank you for allowing us to provide a class tailored to fit your agency's needs.

Delegation of Authority

Just *another* reminder . . . please send in your updated delegation of authority. We still are experiencing individuals arriving to file rules for whom we do not have delegation of authority. We must either insist on the proper delegation being sent or refuse to accept your rule filings. This delegation will extend to *all phases* of the rulemaking process, from the cover letter, to the affidavit to the actual rulemakings. Thanks for your cooperation in this regard ----- this is for the protection of your agency, as well as our agency and will ensure that rulemakings for your agency are filed *only* by authorized personnel.

Coming soon

Our IT department advises the new rulemaking manual, *Rulemaking 1-2-3, Missouri Style*, will be available to you on our web site in the very near future. Please watch for an electronic version of this very useful tool!

Feel free to contact us to schedule your class or for assistance on specific rulemaking questions.

A handwritten signature in black ink, appearing to read "Lynne".

Lynne C. Angle,
Director, Administrative Rules Division

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 4—Mental Health Programs

EMERGENCY AMENDMENT

9 CSR 30-4.030 Certification Standards Definitions. The department proposes to amend section (2).

PURPOSE: This amendment revises the reference to *Intensive Community Psychiatric Rehabilitation*. This amendment also removes the definition of *Psychosocial Rehabilitation Recovery Support*.

EMERGENCY STATEMENT: This emergency amendment is needed in order to implement program changes that will immediately allow a significant number of Department of Mental Health clients to receive services from the Community Psychiatric Rehabilitation (CPR) Program. These individuals are currently in need of services and supports that are not currently accessible because of programmatic limitations. Immediate enrollment will allow the state of Missouri to access federal Medicaid dollars to serve eligible individuals, expand service capacity, and improve outcomes for persons with serious mental illness and children and youth with serious emotional disturbance. The federal Medicaid dollars will also

allow the state of Missouri to redirect general revenue funds to serve even more eligible persons in need of services who are now underserved.

Without this emergency amendment, these clients will not be able to access needed services and supports. Therefore, the department believes this emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. Therefore the department believes this emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed December 28, 2001, effective January 13, 2002 and expires July 11, 2002.

(2) As used in 9 CSR 30-4.031–9 CSR 30-4.047, unless the context clearly indicates otherwise, the following terms shall mean:

[(AA)] Intensive community psychiatric rehabilitation (CPR)—as defined in [9 CSR 30-4.043(2)(H)] **9 CSR 30-4.045**;

[(MM)] Psychosocial rehabilitation-recovery support—as defined in 9 CSR 30-4.043(2)(J);]

[(NN)] Research—experiments, including intervention or interaction with clients, whether behavioral, psychological, biomedical or pharmacological and program evaluation as set out in 9 CSR 60-1.010(1);

[(OO)] Seclusion—placement alone in a locked room for any period of time;

[(PP)] Sexual abuse—in accordance with 9 CSR 10-5.200;

[(QQ)] Time-out—temporary exclusion or removal of a client from the treatment or rehabilitation setting, used as a behavior modifying technique as prescribed in the client's individual treatment plan and for periods of time not to exceed fifteen (15) minutes each; and

[(RR)] Verbal abuse—in accordance with 9 CSR 10-5.200.

AUTHORITY: sections 630.050, 630.055 and 632.050, RSMo 2000. Original rule filed Jan. 19, 1989, effective April 15, 1989. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. A proposed amendment containing this same material is published in this issue of the *Missouri Register*.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 4—Mental Health Programs

EMERGENCY AMENDMENT

9 CSR 30-4.031 Procedures to Obtain Certification for Centers. The department proposed to add three new sections and to renumber section (4).

PURPOSE: This amendment establishes provisions for the certification of services for children and youth.

EMERGENCY STATEMENT: This emergency amendment is needed in order to implement program changes that will immediately allow a significant number of Department of Mental Health clients to receive services from the Community Psychiatric Rehabilitation (CPR) Program. These individuals are currently in need of services

and supports that are not currently accessible because of programmatic limitations. Immediate enrollment will allow the state of Missouri to access federal Medicaid dollars to serve eligible individuals, expand service capacity, and improve outcomes for persons with serious mental illness and children and youth with serious emotional disturbance. The federal Medicaid dollars will also allow the state of Missouri to redirect general revenue funds to serve even more eligible persons in need of services who are now underserved.

Without this emergency amendment, these clients will not be able to access needed services and supports. Therefore, the department believes this emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. Therefore the department believes this emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed Dec. 28, 2001, effective Jan. 13, 2002 and expires July 11, 2002.

(4) The department shall certify, as a result of a certification survey, each Community Psychiatric Rehabilitation (CPR) Program as designated and eligible to serve children and youth under the age of eighteen (18).

(5) To be eligible to serve children and youth under the age of eighteen (18) a certified community psychiatric rehabilitation (CPR) provider shall meet each of the following requirements:

(A) Have a current and valid purchase of service contract with the Division of Comprehensive Psychiatric Services (CPS) pursuant to 9 CSR 25-2;

(B) Must meet the eligibility requirements for receipt of federal mental health block grant funds;

(C) Must provide a comprehensive array of psychiatric services to children and youth including but not limited to:

1. Crisis intervention mobile response;
2. Screening and assessment;
3. Medication services; and

4. Intensive case management consistent with state plan approved services; and

(D) Have experience and expertise in delivering a division approved home-based crisis intervention program of psychiatric services for children and youth.

(6) A certified community psychiatric rehabilitation (CPR) provider may serve transitional age youth (age sixteen (16) and older) meeting the diagnostic eligibility requirements in 9 CSR 30-4.042(4)(B) in each designated CPS service area without the certification required in 9 CSR 30-4.031(4) and (5) if it is documented in the client record that it is clinically and developmentally appropriate to serve the individual in an adult program.

[(4)] (7) The following forms are included herein:

- (A) MO 650-1722; and
- (B) MO 650-0231.

AUTHORITY: sections 630.050, 630.655 and 632.050, RSMo 2000. Original rule filed Jan. 19, 1989, effective April 15, 1989. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. A proposed amendment containing this same material is published in this issue of the *Missouri Register*.

Title 9—DEPARTMENT OF MENTAL HEALTH

Division 30—Certification Standards

Chapter 4—Mental Health Programs

EMERGENCY AMENDMENT

9 CSR 30-4.032 Administration. The department proposes to revise sections (2) and (3).

PURPOSE: This amendment establishes provisions for the certification of services for children and youth.

EMERGENCY STATEMENT: This emergency amendment is needed in order to implement program changes that will immediately allow a significant number of Department of Mental Health clients to receive services from the Community Psychiatric Rehabilitation (CPR) Program. These individuals are currently in need of services and supports that are not currently accessible because of programmatic limitations. Immediate enrollment will allow the state of Missouri to access federal Medicaid dollars to serve eligible individuals, expand service capacity, and improve outcomes for persons with serious mental illness and children and youth with serious emotional disturbance. The federal Medicaid dollars will also allow the state of Missouri to redirect general revenue funds to serve even more eligible persons in need of services who are now underserved.

Without this emergency amendment, these clients will not be able to access needed services and supports. Therefore, the department believes this emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. Therefore the department believes this emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed Dec. 28, 2001, effective Jan. 13, 2002 and expires July 11, 2002.

(2) A CPR program director shall be appointed whose qualifications, authority and duties are defined in writing. The director shall have responsibility and authority for all operating elements of the CPR program, including all administrative and service delivery staff. If the CPR program director is not a qualified mental health professional as defined in 9 CSR 30-4.030, then the agency shall identify a clinical supervisor who is a qualified mental health professional who has responsibility for monitoring and supervising all clinical aspects of the program. **If the agency is certified to provide services to children and youth, then the CPR program director shall have at least two (2) years of supervisory experience with children and youth. If the CPR program director does not meet these requirements, the agency shall identify a clinical supervisor for children and youth services who is a qualified mental health professional who has responsibility for monitoring and supervising all clinical aspects of the program and meets the above requirements.**

(3) The CPR provider *[and]* shall maintain a policy and procedure manual for all aspects of its operations. CPR program plans, policies and procedures shall include descriptions, details and relevant information about—

(M) Emergency policies and procedures by staff, volunteers, clients, visitors and others for—

1. Medical emergencies;
2. Natural emergencies, such as earthquakes, fires, severe storms, tornado or flood;
3. Behavioral crisis;

4. Abuse or neglect of clients;
5. Injury or death of a client; and
6. Arrest or detention of a client; *[and]*

(N) Policies and procedures which address commonly occurring client problems such as missed appointments, appearing under the influence of alcohol or drugs, broken rules, suicide attempts, loitering, accidents, harassment and threats~~./~~; **and**

(O) Relevant information about service provision for children and youth addressing any and all aspects of (A) through (N) of this rule.

AUTHORITY: section 630.655, RSMo 2000. Original rule filed Jan. 19, 1989, effective April 15, 1989. Amended: Filed Dec. 13, 1994, effective July 30, 1995. Amended: Filed Feb. 28, 2001, effective Oct. 30, 2001. Emergency amendment filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. A proposed amendment containing this same material is published in this issue of the Missouri Register.

Title 9—DEPARTMENT OF MENTAL HEALTH

Division 30—Certification Standards

Chapter 4—Mental Health Programs

EMERGENCY AMENDMENT

9 CSR 30-4.034 Personnel and Staff Development. The department proposes to amend sections (3), (7) and (8).

PURPOSE: This amendment establishes provisions for the certification of services for children and youth.

EMERGENCY STATEMENT: This emergency amendment is needed in order to implement program changes that will immediately allow a significant number of Department of Mental Health clients to receive services from the Community Psychiatric Rehabilitation (CPR) Program. These individuals are currently in need of services and supports that are not currently accessible because of programmatic limitations. Immediate enrollment will allow the state of Missouri to access federal Medicaid dollars to serve eligible individuals, expand service capacity, and improve outcomes for persons with serious mental illness and children and youth with serious emotional disturbance. The federal Medicaid dollars will also allow the state of Missouri to redirect general revenue funds to serve even more eligible persons in need of services who are now underserved.

Without this emergency amendment, these clients will not be able to access needed services and supports. Therefore, the department believes this emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. Therefore the department believes this emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed Dec. 28, 2001, effective Jan. 13, 2002 and expires July 11, 2002.

(3) The CPR provider shall ensure that an adequate number of appropriately qualified staff is available to support the functions of the program. The department shall prescribe caseload size and supervisory to staff ratios.

(A) Caseload size may not exceed one (1) community support worker to twenty (20) clients in the rehabilitation level of care **and one (1) community support worker to twelve (12) children and youth in the rehabilitation level of care.**

(B) The supervisory to staff ratio in the rehabilitation *[and intensive levels/ level]* of care should not exceed one (1) qualified mental health professional to seven (7) community support workers.

(C) The supervisory to staff ratio in the rehabilitation *[and intensive levels/ level]* of care should not exceed one (1) qualified mental health professional to two (2) community support assistants.

(D) The supervisory to staff ratio in the rehabilitation *[and intensive levels/ level]* of care should not exceed one (1) qualified mental health professional to eight (8) total staff.

[(E) For intensive community psychiatric rehabilitation, each team shall provide for a caseload size of no more than ten (10) clients to one (1) direct care staff member.]

(7) The CPR provider shall establish, maintain and implement a written plan for professional growth and development of personnel.

(A) The CPR provider shall provide orientation within thirty (30) calendar days of employment, documented, for all personnel and affiliates, and shall include, but not be limited to:

1. Client rights and confidentiality policies and procedures, including prohibition and definition of verbal/physical abuse;
2. Client management, for example, techniques which address verbal and physical management of aggressive, intoxicated or behaviorally disturbed clients;
3. CPR program emergency policies and procedures;
4. Infection control;
5. Job responsibilities;
6. Philosophy, values, mission and goals of the CPR provider; and

7. Principles of appropriate treatment, **including for staff working with children and youth, principles related to children and youth populations.**

(D) Staff working within the CPR program also shall receive additional training within six (6) months of employment. This training shall include, but is not limited to:

1. Signs and symptoms of disability-related illnesses;
2. Working with families and caretakers of clients receiving services;
3. Rights, roles and responsibilities of clients and families;
4. Methods of teaching clients self-help, communication and homemaking skills in a community context;
5. Writing and implementing an individual treatment plan specific to community psychiatric rehabilitation services, including goal setting, writing measurable objectives and development of specific strategies or methodologies;
6. Basic principles of assessment;
7. Special needs and characteristics of individuals with serious mental illnesses; *[and]*
8. Philosophy, values and objectives of community psychiatric rehabilitation services for individuals with serious mental illnesses~~./~~; **and**

9. Staff working with children and youth shall receive additional training in the above areas as it pertains to children and youth.

(8) The CPR provider shall develop and implement a written plan for comprehensive training and continuing education programs for community support workers, community support assistants and supervisors in addition to those set out in section (7).

(A) Orientation for community support workers, community support assistants and supervisors shall include, but is not limited to, the following items:

1. Philosophy, values and objectives of community psychiatric rehabilitation services for individuals with serious and persistent mental illnesses;

2. Behavioral management, crisis intervention techniques and identification of critical situations;
3. Communication techniques;
4. Health assessment and medication training;
5. Legal issues, including commitment procedures; *[and]*
6. Identification and recognition of critical situations~~*[.]*~~; **and**
7. **Staff working with children and youth shall receive additional training in the above areas as it pertains to children and youth.**

AUTHORITY: sections 630.050, 630.655 and 632.050, RSMo 2000. Original rule filed Jan. 19, 1989, effective April 15, 1989. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. A proposed amendment containing this same material is published in this issue of the Missouri Register.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

EMERGENCY AMENDMENT

9 CSR 30-4.035 Client Records of a Community Psychiatric Rehabilitation Program. The department proposes to amend sections (7), (8) and (10).

PURPOSE: This amendment establishes provisions for the certification of services for children and youth.

EMERGENCY STATEMENT: This emergency amendment is needed in order to implement program changes that will immediately allow a significant number of Department of Mental Health clients to receive services from the Community Psychiatric Rehabilitation (CPR) Program. These individuals are currently in need of services and supports that are not currently accessible because of programmatic limitations. Immediate enrollment will allow the state of Missouri to access federal Medicaid dollars to serve eligible individuals, expand service capacity, and improve outcomes for persons with serious mental illness and children and youth with serious emotional disturbance. The federal Medicaid dollars will also allow the state of Missouri to redirect general revenue funds to serve even more eligible persons in need of services who are now underserved.

Without this emergency amendment, these clients will not be able to access needed services and supports. Therefore, the department believes this emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. Therefore the department believes this emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed Dec. 28, 2001, effective January 13, 2002 and expires July 11, 2002.

(7) The treatment plan, goals and objectives shall be completed within thirty (30) days of the client's admission to services. *[For clients admitted to the intensive level of community psychiatric rehabilitation, the treatment plan shall be developed upon admission to that level of care.]*

(8) Each client's record shall document services, activities or sessions that involve the client.

[(B) For psychosocial rehabilitation-recovery support, the client record shall include:

1. Attendance records or logs that include actual attendance times; and

2. A monthly note that summarizes services rendered and client response to services.]

[(C)] (B) For all other community psychiatric rehabilitation program services, the client record shall include documentation of each session or episode that involves the client.

- 1. The specific services rendered.*
- 2. The date and actual time the service was rendered.*
- 3. Who rendered the service.*
- 4. The setting in which the services were rendered.*
- 5. The amount of time it took to deliver the services.*
- 6. The relationship of the services to the treatment regimen described in the treatment plan.*
- 7. Updates describing the client's response to prescribed care and treatment.*

(10) An evaluation team, consisting of at least, a qualified mental health professional and the client's community support worker, if appropriate, shall review the treatment plan, goals and objectives on a regular basis, as determined by department policy.

[(F) For clients in the intensive level of care, treatment plans shall be reviewed at a minimum every thirty (30) calendar days and the review documented in the case record.]

AUTHORITY: section 630.655, RSMo 2000. Original rule filed Jan. 19, 1989, effective April 15, 1989. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. A proposed amendment containing this same material is published in this issue of the Missouri Register.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

EMERGENCY AMENDMENT

9 CSR 30-4.039 Service Provision. The department proposes to add section (14).

PURPOSE: This amendment establishes provisions for the certification of services for children and youth.

EMERGENCY STATEMENT: This emergency amendment is needed in order to implement program changes that will immediately allow a significant number of Department of Mental Health clients to receive services from the Community Psychiatric Rehabilitation (CPR) Program. These individuals are currently in need of services and supports that are not currently accessible because of programmatic limitations. Immediate enrollment will allow the state of Missouri to access federal Medicaid dollars to serve eligible individuals, expand service capacity, and improve outcomes for persons with serious mental illness and children and youth with serious emotional disturbance. The federal Medicaid dollars will also allow the state of Missouri to redirect general revenue funds to serve even more eligible persons in need of services who are now underserved.

Without this emergency amendment, these clients will not be able to access needed services and supports. Therefore, the department believes this emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this

amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. Therefore the department believes this emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed Dec. 28, 2001, effective January 13, 2002 and expires July 11, 2002.

(14) The CPR provider shall take appropriate precautions to assure the provision of confidentiality and safety of children and youth in all aspects of programming including but not limited to:

- (A) Outings;
- (B) Transportation; and
- (C) Day program activities.

AUTHORITY: sections 630.050, 630.655 and 632.050, RSMo 2000. Original rule filed Jan. 19, 1989, effective April 15, 1989. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. A proposed amendment containing this same material is published in this issue of the Missouri Register.

Title 9—DEPARTMENT OF MENTAL HEALTH

Division 30—Certification Standards

Chapter 4—Mental Health Programs

EMERGENCY AMENDMENT

9 CSR 30-4.042 Admission Criteria. The department proposes to add a new section (5).

PURPOSE: This amendment establishes provisions for the certification of services for children and youth.

EMERGENCY STATEMENT: This emergency amendment is needed in order to implement program changes that will immediately allow a significant number of Department of Mental Health clients to receive services from the Community Psychiatric Rehabilitation (CPR) Program. These children and youth are currently in need of services and supports that are not currently accessible because of programmatic limitations. Immediate enrollment will allow the state of Missouri to access federal Medicaid dollars to serve eligible children and youth, expand service capacity, and improve outcomes for children and youth with serious emotional disturbance. The federal Medicaid dollars will also allow the state of Missouri to redirect general revenue funds to serve even more eligible persons in need of services who are now underserved.

Without this emergency amendment, these clients will not be able to access needed services and supports. Therefore, the department believes this emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. Therefore the department believes this emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed December 28, 2001, effective January 13, 2002 and expires July 11, 2002.

(5) Under the following circumstances, children and adolescents under the age of eighteen (18) years of age may be provisionally admitted to community psychiatric rehabilitation program services:

(A) **Disability:** There shall be clear evidence of serious and/or substantial impairment in the ability to function at an age or developmentally appropriate level due to serious psychiatric disorder in each of the following two (2) areas of behavioral functioning as indicated by intake evaluation and assessment:

1. Social role functioning/family life—the individual is at risk or out-of-home or out-of-school placement; and

2. Daily living skills/self-care skills—the individual is unable to engage in personal care (such as grooming, personal hygiene) and community living (performing school work or household chores), learning, self-direction or activities appropriate to the individual's age, developmental level and social role functioning;

(B) **Diagnosis:** If a person is exhibiting behaviors or symptoms that are consistent with an unestablished CPRP eligible diagnosis, they may be provisionally admitted to CPRP for further evaluation. There may be insufficient clinical information because of rapidly changing developmental needs to determine if a CPR eligible diagnosis is appropriate without an opportunity to observe and evaluate the person's behavior, mood and functional status. In such cases, there must be documentation that clearly supports the individual's level of functioning as defined in (5)(A).

(C) **Duration:** There must be documented evidence of an individual's functional disability as defined in (5)(A) for a period of ninety (90) days prior to provisional admission.

(D) **Provisional admissions** shall not exceed ninety (90) days. Immediately upon completion of the ninety (90) days or sooner, if the individual has been determined to have an eligible diagnosis as listed in 9 CSR 30-4.042(4)(B) of the rule, the diagnosis must be documented and the individual may continue in the CPR program.

(E) If an individual who has been provisionally admitted is determined to be ineligible for CPR services, staff shall directly assist the individual and/or family in arranging appropriate follow-up services. Follow-up services shall be documented in the discharge summary of the clinical record.

(F) All admission documentation is required for those provisionally admitted, with the exception of the comprehensive evaluation, which may be deferred for ninety (90) days.

AUTHORITY: sections 630.050, [RSMo Supp. 1999 and] 630.655 and 632.050, RSMo [1994] 2000. Original rule filed Jan. 19, 1989, effective April 15, 1989. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. A proposed amendment containing this same material is published in this issue of the Missouri Register.

Title 9—DEPARTMENT OF MENTAL HEALTH

Division 30—Certification Standards

Chapter 4—Mental Health Programs

EMERGENCY AMENDMENT

9 CSR 30-4.043 Treatment Provided by Community Psychiatric Rehabilitation Programs. The department proposes to amend section (2).

PURPOSE: This amendment establishes provisions for the certification of services for children and youth.

EMERGENCY STATEMENT: This emergency amendment is needed in order to implement program changes that will immediately allow a significant number of Department of Mental Health clients to receive services from the Community Psychiatric Rehabilitation (CPR) Program. These individuals are currently in need of services and supports that are not currently accessible because of

programmatic limitations. Immediate enrollment will allow the state of Missouri to access federal Medicaid dollars to serve eligible individuals, expand service capacity, and improve outcomes for persons with serious mental illness and children and youth with serious emotional disturbance. The federal Medicaid dollars will also allow the state of Missouri to redirect general revenue funds to serve even more eligible persons in need of services who are now underserved.

Without this emergency amendment, these clients will not be able to access needed services and supports. Therefore, the department believes this emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. Therefore the department believes this emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed December 28, 2001, effective January 13, 2002 and expires July 11, 2002.

(2) The CPR provider shall provide the following community psychiatric rehabilitation services to eligible clients, as prescribed by individualized treatment plans:

(H) Intensive Community Psychiatric Rehabilitation (CPR) [is a level of support designed to help consumers who are experiencing an acute psychiatric condition, alleviating or eliminating the need to admit them into a psychiatric inpatient or residential setting. It is a comprehensive, time-limited, community-based service delivered to consumers who are exhibiting symptoms that interfere with individual/family life in a highly disabling manner. Intensive CPR is provided by treatment teams delivering services that will maintain the consumer within the family and significant support systems and assist consumers in meeting basic living needs and age appropriate developmental needs. This level of CPR is intended for consumers who have extended or repeated hospitalizations, crisis episodes, or who are at imminent risk of being removed from their home or current living situation to a more restrictive living situation, or who require assistance in transitioning from a highly restrictive setting to a community-based alternative, including specifically persons being discharged from inpatient psychiatric settings who require assertive outreach and engagement. A treatment team comprised of individuals required to provide the specific services identified on the Individualized Treatment Plan (ITP), delivers this level of service to consumers with serious mental illness and serious emotional disturbance who meet CPRP eligibility criteria] as defined in 9 CSR 30-4.045;

AUTHORITY: sections 630.050, 630.655 and 632.050, RSMo 2000. Original rule filed Jan. 19, 1989, effective April 15, 1989. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. A proposed amendment containing this same material is published in this issue of the *Missouri Register*.

Title 9—DEPARTMENT OF MENTAL HEALTH

Division 30—Certification Standards

Chapter 4—Mental Health Programs

EMERGENCY RULE

9 CSR 30-4.045 Intensive Community Psychiatric Rehabilitation

PURPOSE: This rule sets forth standards and regulations for the provision of intensive community psychiatric rehabilitation service.

EMERGENCY STATEMENT: This emergency rule is needed in order to implement program changes that will immediately allow a significant number of Department of Mental Health clients to receive intensive services from the Community Psychiatric Rehabilitation (CPR) Program. These individuals are currently in need of more intensive services and supports that are not currently accessible because of programmatic limitations. Immediate enrollment will allow the state of Missouri to access federal Medicaid dollars to serve eligible individuals, expand service capacity, and improve outcomes for persons with serious mental illness and children and youth with serious emotional disturbance. The federal Medicaid dollars will also allow the state of Missouri to redirect general revenue funds to serve even more eligible persons in need of services who are now underserved.

Without this emergency rule, these clients will not be able to access needed services and supports. Therefore the department believes this emergency rule is necessary to preserve a compelling governmental interest that requires an early effective date. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. Therefore the department believes this emergency rule to be fair to all interested persons and parties under the circumstances. This emergency rule was filed December 28, 2001, effective January 13, 2002 and expires July 11, 2002.

(1) Intensive Community Psychiatric Rehabilitation (CPR). A level of support designed to help consumers who are experiencing an acute psychiatric condition, alleviating or eliminating the need to admit them into a psychiatric inpatient or residential setting. It is a comprehensive, time-limited, community-based service delivered to consumers who are exhibiting symptoms that interfere with individual/family life in a highly disabling manner.

(A) The intensive community psychiatric rehabilitation is intended for the following consumers:

1. Persons who would be hospitalized without the provision of intensive community-based intervention; or
2. Persons who have extended or repeated hospitalizations; or
3. Persons who have crisis episodes; or
4. Persons who are at risk of being removed from their home or school to a more restrictive environment; or
5. Persons who require assistance in transitioning from a highly restrictive setting to a community-based alternative, including specifically persons being discharged from inpatient psychiatric settings who require assertive outreach and engagement.

(B) Intensive community psychiatric rehabilitation is provided by treatment teams delivering services that will maintain the consumer within the family and significant support systems and assist consumers in meeting basic living needs and age appropriate developmental needs.

(C) A treatment team comprised of individuals required to provide the specific services identified on the Individualized Treatment Plan (ITP), delivers this level of service to consumers who meet the Community Psychiatric Rehabilitation (CPR) eligibility criteria.

(2) Admission Criteria. Persons meeting criteria for this level of service must meet admission criteria as defined in 9 CSR 30-4.042, will be in need of intensive clinical intervention or support to alleviate or eliminate the need for admission into a psychiatric inpatient or a restrictive living setting and must meet at least one (1) of the following descriptions:

(A) A person who is being discharged from a Department of Mental Health facility or Department of Mental Health purchased bed;

(B) A person who has had extended or repeated psychiatric inpatient hospitalizations or crisis episodes within the past six (6) months;

(C) A person who has had multiple out-of-home placements due to their mental disorder; or

(D) A person who is at imminent risk of being removed from his/her home, school or current living situation.

(3) Personnel and Staff Development. Intensive CPR shall be delivered by a treatment team responsible for coordinating a comprehensive array of services available to the individual through CPR with the amount of frequency of service commensurate with the individual's assessed acuity and need.

(A) The treatment team shall be supervised by a qualified mental health professional as defined in 9 CSR 30-4.030(2)(HH) and shall include the following:

1. Individuals required to provide specific services identified on the Individualized Treatment Plan; and

2. The consumer, and family if developmentally appropriate.

(B) Treatment team models shall follow one (1) of two (2) options:

1. The treatment team may serve exclusively individuals enrolled in the intensive CPR level; or

2. The treatment team may serve individuals enrolled in intensive CPR and individuals enrolled in the rehabilitation levels.

(4) Treatment.

(A) Intensive CPR shall include—

1. Multiple face-to-face contacts on a weekly basis and may require contact on a daily basis;

2. Services that are available twenty-four (24) hours per day and seven (7) days per week;

3. Crisis response services that may be coordinated with an existing crisis system.

(B) A full array of CPR services as defined in 9 CSR 30-4.043 shall be available to each individual based upon identified needs including but not limited to the following services:

1. Outreach and engagement;

2. Behavioral aid/family assistance worker;

3. Targeted case management;

4. Clinical interventions for the purpose of stabilizing the individual offered twenty-four (24) hours per day and seven (7) days per week;

5. Increased services to assist the individual with medication stabilization;

6. Utilization of natural services and supports needed to maintain the individual in the community;

7. Day treatment.

(C) The frequency of service delivery shall be based upon the individual's assessed acuity and need.

(D) Individuals can be moved out of the intensive level when:

1. There is a reduction of acute symptoms; and

2. The individual is able to function in the rehabilitation level of CPR; or

3. The individual chooses to move from the intensive level.

(5) Client Records.

(A) For consumers currently enrolled in the CPR Program, documentation must be present in the client record indicating the individual's acuity level and supporting admission into the intensive level of care. Upon admission to the intensive level of care, the following is required—

1. A progress note must be written that documents the individual's acuity level and compliance with admission criteria;

2. The treatment plan must be updated to reflect the higher level of service the individual will receive while participating in the intensive level of care;

3. The appropriate outcomes packet shall be completed and forwarded to the department; and

4. Service system reporting shall be updated to reflect participation with the appropriate program code.

(B) For new consumers who have been admitted directly from the community into the intensive level of care, a brief evaluation to substantiate acuity and criteria for admission will initially be accepted which may be in the form of a separate report or progress note that includes the following elements: presenting problem, recent psychiatric history, current medications, current housing status, current legal status, family and/or guardian, and mental status examination.

1. Each individual shall have a psychiatric evaluation at admission. For individuals who have been discharged from an inpatient bed into the intensive level of care, a psychiatric evaluation completed at the facility will initially be accepted.

2. A comprehensive evaluation shall be completed within thirty (30) days of admission except for individuals admitted provisionally.

3. Treatment plans shall be developed upon admission to the intensive level of care.

4. The appropriate outcomes packet shall be completed and forwarded to the department.

5. Service system reporting shall be updated to reflect participation with the appropriate program code.

(C) Treatment plans shall be reviewed on a weekly basis and the review documented in the case record with a summary progress note including updates to the treatment plan as appropriate.

(D) Each individual shall have a critical intervention plan.

(E) All services provided must have accompanying progress notes that include:

1. Specific type of service rendered as defined in the CPR menu of services or the Purchase of Service Catalogue;

2. Date and actual time the service was rendered;

3. Who rendered the service;

4. The setting in which the service was rendered;

5. The amount of time it took to deliver the service;

6. The relationship of services to the treatment regimen described in the treatment plan;

7. Updates describing the client's response to prescribed care and treatment; and

8. Signature and position of staff member delivering the service.

(F) Upon change from the intensive level of care, a transition plan for follow-up services must be documented in a level of care transition summary and reflected in an updated treatment plan.

(G) Upon change from the intensive level of care, the provider must complete the appropriate outcomes packet and forward to the department.

(6) Quality Assurance.

(A) The department will track the following indicators:

1. Hospitalizations that occur while the individual is participating in the intensive level of care; and

2. Consumer movement to a more restrictive level of care while the individual is participating in the intensive level of care.

(B) The department will monitor specific services provided to an individual while they are enrolled in intensive CPR. The providers shall maintain and have available for review, the detail regarding service delivery. This information must be in the same format as if the services had been billed separately. The review may consist of documents sent to the department for review or a face-to-face review on-site at an agency.

AUTHORITY: sections 630.050, 630.655 and 632.050, RSMo 2000. Emergency rule filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. A proposed rule containing this same material is published in this issue of the Missouri Register.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.111 Endangered Species. The department proposes to amend subsections (3)(E) and (G).

PURPOSE: This amendment adds Scaleshell Mussel and Tumbling Creek Cave Snail to the list of species designated as endangered in Missouri.

(3) For the purpose of this rule, endangered species of wildlife and plants shall include the following native species designated as endangered in Missouri:

(E) Mussels: Curtis Pearlymussel, Higgins' Eye, Pink Mucket, Fat Pocketbook, Ebonyshell, Elephant Ear, Winged Mapleleaf, Sheepnose, Snuffbox, **Scaleshell**.

(G) Invertebrates: American Burying Beetle, Hine's Emerald Dragonfly, **Tumbling Creek Cave Snail**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 19, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 4—Mental Health Programs

PROPOSED AMENDMENT

9 CSR 30-4.030 Certification Standards Definitions. The department proposes to amend section (2).

PURPOSE: This amendment revises the reference to Intensive Community Psychiatric Rehabilitation. This amendment also removes the definition of Psychosocial Rehabilitation Recovery Support.

(2) As used in 9 CSR 30-4.031–9 CSR 30-4.047, unless the context clearly indicates otherwise, the following terms shall mean:

(AA) Intensive community psychiatric rehabilitation (CPR)—as defined in *[9 CSR 30-4.043(2)(H)]* **9 CSR 30-4.045**;

[(MM) Psychosocial rehabilitation-recovery support—as defined in 9 CSR 30-4.043(2)(J);]

[(NN)] (MM) Research—experiments, including intervention or interaction with clients, whether behavioral, psychological, biomedical or pharmacological and program evaluation as set out in 9 CSR 60-1.010(1);

[(OO)] (NN) Seclusion—placement alone in a locked room for any period of time;

[(PP)] (OO) Sexual abuse—in accordance with 9 CSR 10-5.200;

[(QQ)] (PP) Time-out—temporary exclusion or removal of a client from the treatment or rehabilitation setting, used as a behavior modifying technique as prescribed in the client's individual treatment plan and for periods of time not to exceed fifteen (15) minutes each; and

[(RR)] (QQ) Verbal abuse—in accordance with 9 CSR 10-5.200.

AUTHORITY: sections 630.050, 630.055 and 632.050, RSMo 2000. Original rule filed Jan. 19, 1989, effective April 15, 1989.

For intervening history, please consult the Code of State Regulations. Emergency amendment filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. Amended: Filed Dec. 28, 2001.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Mental Health, Attn: Julie Carel, Division of Comprehensive Psychiatric Services, PO Box 687, Jefferson City, MO 65102. To be considered comments must be in writing and must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

PROPOSED AMENDMENT

9 CSR 30-4.031 Procedures to Obtain Certification for Centers. The department proposes to add three new sections and to renumber section (4).

PURPOSE: *This amendment establishes provisions for the certification of services for children and youth.*

(4) The department shall certify, as a result of a certification survey, each Community Psychiatric Rehabilitation (CPR) Program as designated and eligible to serve children and youth under the age of eighteen (18).

(5) To be eligible to serve children and youth under the age of eighteen (18) a certified community psychiatric rehabilitation (CPR) provider shall meet each of the following requirements:

(A) Have a current and valid purchase of service contract with the Division of Comprehensive Psychiatric Services (CPS) pursuant to 9 CSR 25-2;

(B) Must meet the eligibility requirements for receipt of federal mental health block grant funds;

(C) Must provide a comprehensive array of psychiatric services to children and youth including but not limited to:

1. Crisis intervention mobile response;
2. Screening and assessment;
3. Medication services; and

4. Intensive case management consistent with state plan approved services; and

(D) Have experience and expertise in delivering a division approved home-based crisis intervention program of psychiatric services for children and youth.

(6) A certified community psychiatric rehabilitation (CPR) provider may serve transitional age youth (age sixteen (16) and older) meeting the diagnostic eligibility requirements in 9 CSR 30-4.042(4)(B) in each designated CPS service area without the certification required in 9 CSR 30-4.031(4) and (5) if it is documented in the client record that it is clinically and developmentally appropriate to serve the individual in an adult program.

[(4)] (7) The following forms are included herein:

- (A) MO 650-1722; and
- (B) MO 650-0231.

AUTHORITY: *sections 630.050, 630.655 and 632.050, RSMo 2000. Original rule filed Jan. 19, 1989, effective April 15, 1989. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. Amended: Filed Dec. 28, 2001.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Mental Health, Attn: Julie Carel, Division of Comprehensive Psychiatric Services, PO Box 687, Jefferson City, MO 65102. To be considered comments must be in writing and must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

PROPOSED AMENDMENT

9 CSR 30-4.032 Administration. The department proposes to revise sections (2) and (3).

PURPOSE: *This amendment establishes provisions for the certification of services for children and youth.*

(2) A CPR program director shall be appointed whose qualifications, authority and duties are defined in writing. The director shall have responsibility and authority for all operating elements of the CPR program, including all administrative and service delivery staff. If the CPR program director is not a qualified mental health professional as defined in 9 CSR 30-4.030, then the agency shall identify a clinical supervisor who is a qualified mental health professional who has responsibility for monitoring and supervising all clinical aspects of the program. **If the agency is certified to provide services to children and youth, then the CPR program director shall have at least two (2) years of supervisory experience with children and youth. If the CPR program director does not meet these requirements, the agency shall identify a clinical supervisor for children and youth services who is a qualified mental health professional who has responsibility for monitoring and supervising all clinical aspects of the program and meets the above requirements.**

(3) The CPR provider */and/* shall maintain a policy and procedure manual for all aspects of its operations. CPR program plans, policies and procedures shall include descriptions, details and relevant information about—

(M) Emergency policies and procedures by staff, volunteers, clients, visitors and others for—

1. Medical emergencies;
2. Natural emergencies, such as earthquakes, fires, severe storms, tornado or flood;
3. Behavioral crisis;
4. Abuse or neglect of clients;
5. Injury or death of a client; and

6. Arrest or detention of a client; *[and]*

(N) Policies and procedures which address commonly occurring client problems such as missed appointments, appearing under the influence of alcohol or drugs, broken rules, suicide attempts, loitering, accidents, harassment and threats~~/.~~; **and**

(O) Relevant information about service provision for children and youth addressing any and all aspects of subsections (A) through (N) of this rule.

AUTHORITY: section 630.655, RSMo 2000. Original rule filed Jan. 19, 1989, effective April 15, 1989. Amended: Filed Dec. 13, 1994, effective July 30, 1995. Amended: Filed Feb. 28, 2001, effective Oct. 30, 2001. Emergency amendment filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. Amended: Filed Dec. 28, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Mental Health, Attn: Julie Carel, Division of Comprehensive Psychiatric Services, PO Box 687, Jefferson City, MO 65102. To be considered comments must be in writing and must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH

Division 30—Certification Standards

Chapter 4—Mental Health Programs

PROPOSED AMENDMENT

9 CSR 30-4.034 Personnel and Staff Development. The department proposes to amend sections (3), (7) and (8).

PURPOSE: This amendment establishes provisions for the certification of services for children and youth.

(3) The CPR provider shall ensure that an adequate number of appropriately qualified staff is available to support the functions of the program. The department shall prescribe caseload size and supervisory to staff ratios.

(A) Caseload size may not exceed one (1) community support worker to twenty (20) clients in the rehabilitation level of care **and one (1) community support worker to twelve (12) children and youth in the rehabilitation level of care.**

(B) The supervisory to staff ratio in the rehabilitation *[and intensive levels]* level of care should not exceed one (1) qualified mental health professional to seven (7) community support workers.

(C) The supervisory to staff ratio in the rehabilitation *[and intensive levels]* level of care should not exceed one (1) qualified mental health professional to two (2) community support assistants.

(D) The supervisory to staff ratio in the rehabilitation *[and intensive levels]* level of care should not exceed one (1) qualified mental health professional to eight (8) total staff.

[(E) For intensive community psychiatric rehabilitation, each team shall provide for a caseload size of no more than ten (10) clients to one (1) direct care staff member.]

(7) The CPR provider shall establish, maintain and implement a written plan for professional growth and development of personnel.

(A) The CPR provider shall provide orientation within thirty (30) calendar days of employment, documented, for all personnel and affiliates, and shall include, but not be limited to:

1. Client rights and confidentiality policies and procedures, including prohibition and definition of verbal/physical abuse;
2. Client management, for example, techniques which address verbal and physical management of aggressive, intoxicated or behaviorally disturbed clients;
3. CPR program emergency policies and procedures;
4. Infection control;
5. Job responsibilities;
6. Philosophy, values, mission and goals of the CPR provider;

and

7. Principles of appropriate treatment, **including for staff working with children and youth, principles related to children and youth populations.**

(D) Staff working within the CPR program also shall receive additional training within six (6) months of employment. This training shall include, but is not limited to:

1. Signs and symptoms of disability-related illnesses;
2. Working with families and caretakers of clients receiving services;
3. Rights, roles and responsibilities of clients and families;
4. Methods of teaching clients self-help, communication and homemaking skills in a community context;
5. Writing and implementing an individual treatment plan specific to community psychiatric rehabilitation services, including goal setting, writing measurable objectives and development of specific strategies or methodologies;
6. Basic principles of assessment;
7. Special needs and characteristics of individuals with serious mental illnesses; *[and]*
8. Philosophy, values and objectives of community psychiatric rehabilitation services for individuals with serious mental illnesses~~/.~~; **and**

9. Staff working with children and youth shall receive additional training in the above areas as it pertains to children and youth.

(8) The CPR provider shall develop and implement a written plan for comprehensive training and continuing education programs for community support workers, community support assistants and supervisors in addition to those set out in section (7).

(A) Orientation for community support workers, community support assistants and supervisors shall include, but is not limited to, the following items:

1. Philosophy, values and objectives of community psychiatric rehabilitation services for individuals with serious and persistent mental illnesses;
2. Behavioral management, crisis intervention techniques and identification of critical situations;
3. Communication techniques;
4. Health assessment and medication training;
5. Legal issues, including commitment procedures; *[and]*
6. Identification and recognition of critical situations~~/.~~; **and**
7. **Staff working with children and youth shall receive additional training in the above areas as it pertains to children and youth.**

AUTHORITY: sections 630.050, 630.655 and 632.050, RSMo 2000. Original rule filed Jan. 19, 1989, effective April 15, 1989. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. Amended: Filed Dec. 28, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Mental Health, Attn: Julie Carel, Division of Comprehensive Psychiatric Services, PO Box 687, Jefferson City, MO 65102. To be considered comments must be in writing and must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

PROPOSED AMENDMENT

9 CSR 30-4.035 Client Records of a Community Psychiatric Rehabilitation Program. The department proposes to amend sections (7), (8) and (10).

PURPOSE: This amendment establishes provisions for the certification of services for children and youth.

(7) The treatment plan, goals and objectives shall be completed within thirty (30) days of the client's admission to services. *[For clients admitted to the intensive level of community psychiatric rehabilitation, the treatment plan shall be developed upon admission to that level of care.]*

(8) Each client's record shall document services, activities or sessions that involve the client.

[(B) For psychosocial rehabilitation-recovery support, the client record shall include:

- 1. Attendance records or logs that include actual attendance times; and*
- 2. A monthly note that summarizes services rendered and client response to services.]*

[(C)] (B) For all other community psychiatric rehabilitation program services, the client record shall include documentation of each session or episode that involves the client.

- 1. The specific services rendered.*
- 2. The date and actual time the service was rendered.*
- 3. Who rendered the service.*
- 4. The setting in which the services were rendered.*
- 5. The amount of time it took to deliver the services.*
- 6. The relationship of the services to the treatment regimen described in the treatment plan.*
- 7. Updates describing the client's response to prescribed care and treatment.*

(10) An evaluation team, consisting of at least, a qualified mental health professional and the client's community support worker, if appropriate, shall review the treatment plan, goals and objectives on a regular basis, as determined by department policy.

[(F) For clients in the intensive level of care, treatment plans shall be reviewed at a minimum every thirty (30) calendar days and the review documented in the case record.]

AUTHORITY: section 630.655, RSMo 2000. Original rule filed Jan. 19, 1989, effective April 15, 1989. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. Amended: Filed Dec. 28, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

PROPOSED AMENDMENT

9 CSR 30-4.039 Service Provision. The department proposes to add a new section (14).

PURPOSE: This amendment establishes provisions for the certification of services for children and youth.

(14) The CPR provider shall take appropriate precautions to assure the provision of confidentiality and safety of children and youth in all aspects of programming including but not limited to:

- (A) Outings;**
- (B) Transportation; and**
- (C) Day program activities.**

AUTHORITY: sections 630.050, 630.655 and 632.050, RSMo 2000. Original rule filed Jan. 19, 1989, effective April 15, 1989. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. Amended: Filed Dec. 28, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Mental Health, Attn: Julie Carel, Division of Comprehensive Psychiatric Services, PO Box 687, Jefferson City, MO 65102. To be considered comments must be in writing and must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs**

PROPOSED AMENDMENT

9 CSR 30-4.042 Admission Criteria. The department proposes to add a new section (5).

PURPOSE: This amendment establishes provisions for the certification of services for children and youth.

(5) Under the following circumstances, children and adolescents under the age of eighteen (18) years of age may be provisionally admitted to community psychiatric rehabilitation program services:

(A) **Disability:** There shall be clear evidence of serious and/or substantial impairment in the ability to function at an age or developmentally appropriate level due to serious psychiatric disorder in each of the following two (2) areas of behavioral functioning as indicated by intake evaluation and assessment:

1. Social role functioning/family life—the individual is at risk or out-of-home or out-of-school placement; and

2. Daily living skills/self-care skills—the individual is unable to engage in personal care (such as grooming, personal hygiene) and community living (performing school work or household chores), learning, self-direction or activities appropriate to the individual's age, developmental level and social role functioning;

(B) **Diagnosis:** If a person is exhibiting behaviors or symptoms that are consistent with an unestablished CPRP eligible diagnosis, they may be provisionally admitted to CPRP for further evaluation. There may be insufficient clinical information because of rapidly changing developmental needs to determine if a CPR eligible diagnosis is appropriate without an opportunity to observe and evaluate the person's behavior, mood and functional status. In such cases, there must be documentation that clearly supports the individual's level of functioning as defined in (5)(A).

(C) **Duration:** There must be documented evidence of an individual's functional disability as defined in (5)(A) for a period of ninety (90) days prior to provisional admission.

(D) **Provisional admissions** shall not exceed ninety (90) days. Immediately upon completion of the ninety (90) days or sooner, if the individual has been determined to have an eligible diagnosis as listed in 9 CSR 30-4.042(4)(B) of the rule, the diagnosis must be documented and the individual may continue in the CPR program.

(E) If an individual who has been provisionally admitted is determined to be ineligible for CPR services, staff shall directly assist the individual and/or family in arranging appropriate follow-up services. Follow-up services shall be documented in the discharge summary of the clinical record.

(F) All admission documentation is required for those provisionally admitted, with the exception of the comprehensive evaluation, which may be deferred for ninety (90) days.

AUTHORITY: sections 630.050, [RSMo Supp. 1999 and] 630.655 and 632.050, [RSMo 1994] 2000. Original rule filed Jan. 19, 1989, effective April 15, 1989. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. Amended: Filed Dec. 28, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Mental Health, Attn: Julie Carel, Division of Comprehensive Psychiatric Services, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be in writing and must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH

Division 30—Certification Standards

Chapter 4—Mental Health Programs

PROPOSED AMENDMENT

9 CSR 30-4.043 Treatment Provided by Community Psychiatric Rehabilitation Programs. The department proposes to amend section (2).

PURPOSE: This amendment establishes provisions for the certification of services for children and youth.

(2) The CPR provider shall provide the following community psychiatric rehabilitation services to eligible clients, as prescribed by individualized treatment plans:

(H) Intensive Community Psychiatric Rehabilitation (CPR) [is a level of support designed to help consumers who are experiencing an acute psychiatric condition, alleviating or eliminating the need to admit them into a psychiatric inpatient or residential setting. It is a comprehensive, time-limited, community-based service delivered to consumers who are exhibiting symptoms that interfere with individual/family life in a highly disabling manner. Intensive CPR is provided by treatment teams delivering services that will maintain the consumer within the family and significant support systems and assist consumers in meeting basic living needs and age appropriate developmental needs. This level of CPR is intended for consumers who have extended or repeated hospitalizations, crisis episodes, or who are at imminent risk of being removed from their home or current living situation to a more restrictive living situation, or who require assistance in transitioning from a highly restrictive setting to a community-based alternative, including specifically persons being discharged from inpatient psychiatric settings who require assertive outreach and engagement. A treatment team comprised of individuals required to provide the specific services identified on the Individualized Treatment Plan (ITP), delivers this level of service to consumers with serious mental illness and serious emotional disturbance who meet CPRP eligibility criteria] as defined in 9 CSR 30-4.045;

AUTHORITY: sections 630.050, 630.655 and 632.050, RSMo 2000. Original rule filed Jan. 19, 1989, effective April 15, 1989. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. Amended: Filed Dec. 28, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Mental Health, Attn: Julie Carel, Division of Comprehensive Psychiatric Services, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be in writing and must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs

PROPOSED RULE

9 CSR 30-4.045 Intensive Community Psychiatric Rehabilitation

PURPOSE: This rule sets forth standards and regulations for the provision of intensive community psychiatric rehabilitation service.

(1) Intensive Community Psychiatric Rehabilitation (CPR). A level of support designed to help consumers who are experiencing an acute psychiatric condition, alleviating or eliminating the need to admit them into a psychiatric inpatient or residential setting. It is a comprehensive, time-limited, community-based service delivered to consumers who are exhibiting symptoms that interfere with individual/family life in a highly disabling manner.

(A) The intensive community psychiatric rehabilitation is intended for the following consumers:

1. Persons who would be hospitalized without the provision of intensive community based intervention; or
2. Persons who have extended or repeated hospitalizations; or
3. Persons who have crisis episodes; or
4. Persons who are at risk of being removed from their home or school to a more restrictive environment; or

5. Persons who require assistance in transitioning from a highly restrictive setting to a community-based alternative, including specifically persons being discharged from inpatient psychiatric settings who require assertive outreach and engagement.

(B) Intensive community psychiatric rehabilitation is provided by treatment teams delivering services that will maintain the consumer within the family and significant support systems and assist consumers in meeting basic living needs and age appropriate developmental needs.

(C) A treatment team comprised of individuals required to provide the specific services identified on the Individualized Treatment Plan (ITP), delivers this level of service to consumers who meet the Community Psychiatric Rehabilitation (CPR) eligibility criteria.

(2) Admission Criteria. Persons meeting criteria for this level of service must meet admission criteria as defined in 9 CSR 30-4.042, will be in need of intensive clinical intervention or support to alleviate or eliminate the need for admission into a psychiatric inpatient or a restrictive living setting and must meet at least one (1) of the following descriptions:

(A) A person who is being discharged from a Department of Mental Health facility or Department of Mental Health purchased bed;

(B) A person who has had extended or repeated psychiatric inpatient hospitalizations or crisis episodes within the past six (6) months;

(C) A person who has had multiple out-of-home placements due to their mental disorder; or

(D) A person who is at imminent risk of being removed from his/her home, school or current living situation.

(3) Personnel and Staff Development. Intensive CPR shall be delivered by a treatment team responsible for coordinating a comprehensive array of services available to the individual through CPR with the amount of frequency of service commensurate with the individual's assessed acuity and need.

(A) The treatment team shall be supervised by a qualified mental health professional as defined in 9 CSR 30-4.030(2)(HH) and shall include the following:

1. Individuals required to provide specific services identified on the Individualized Treatment Plan; and

2. The consumer, and family if developmentally appropriate.

(B) Treatment team models shall follow one (1) of two (2) options:

1. The treatment team may serve exclusively individuals enrolled in the intensive CPR level; or

2. The treatment team may serve individuals enrolled in intensive CPR and individuals enrolled in the rehabilitation levels.

(4) Treatment.

(A) Intensive CPR shall include—

1. Multiple face-to-face contacts on a weekly basis and may require contact on a daily basis;

2. Services that are available twenty-four (24) hours per day and seven (7) days per week;

3. Crisis response services that may be coordinated with an existing crisis system.

(B) A full array of CPR services as defined in 9 CSR 30-4.043 shall be available to each individual based upon identified needs including but not limited to the following services:

1. Outreach and engagement;

2. Behavioral aid/family assistance worker;

3. Targeted case management;

4. Clinical interventions for the purpose of stabilizing the individual offered twenty-four (24) hours per day and seven (7) days per week;

5. Increased services to assist the individual with medication stabilization;

6. Utilization of natural services and supports needed to maintain the individual in the community;

7. Day treatment.

(C) The frequency of service delivery shall be based upon the individual's assessed acuity and need.

(D) Individuals can be moved out of the intensive level when:

1. There is a reduction of acute symptoms; and

2. The individual is able to function in the rehabilitation level of CPR; or

3. The individual chooses to move from the intensive level.

(5) Client Records.

(A) For consumers currently enrolled in the CPR Program, documentation must be present in the client record indicating the individual's acuity level and supporting admission into the intensive level of care. Upon admission to the intensive level of care, the following is required—

1. A progress note must be written that documents the individual's acuity level and compliance with admission criteria;

2. The treatment plan must be updated to reflect the higher level of service the individual will receive while participating in the intensive level of care;

3. The appropriate outcomes packet shall be completed and forwarded to the department; and

4. Service system reporting shall be updated to reflect participation with the appropriate program code.

(B) For new consumers who have been admitted directly from the community into the intensive level of care, a brief evaluation to substantiate acuity and criteria for admission will initially be accepted which may be in the form of a separate report or progress note that includes the following elements: presenting problem, recent psychiatric history, current medications, current housing status, current legal status, family and/or guardian, and mental status examination.

1. Each individual shall have a psychiatric evaluation at admission. For individuals who have been discharged from an inpatient bed into the intensive level of care, a psychiatric evaluation completed at the facility will initially be accepted.

2. A comprehensive evaluation shall be completed within thirty (30) days of admission except for individuals admitted provisionally.

3. Treatment plans shall be developed upon admission to the intensive level of care.

4. The appropriate outcomes packet shall be completed and forwarded to the department.

5. Service system reporting shall be updated to reflect participation with the appropriate program code.

(C) Treatment plans shall be reviewed on a weekly basis and the review documented in the case record with a summary progress note including updates to the treatment plan as appropriate.

(D) Each individual shall have a critical intervention plan.

(E) All services provided must have accompanying progress notes that include:

1. Specific type of service rendered as defined in the CPR menu of services or the Purchase of Service Catalogue;

2. Date and actual time the service was rendered;

3. Who rendered the service;

4. The setting in which the service was rendered;

5. The amount of time it took to deliver the service;

6. The relationship of services to the treatment regimen described in the treatment plan;

7. Updates describing the client's response to prescribed care and treatment; and

8. Signature and position of staff member delivering the service.

(F) Upon change from the intensive level of care, a transition plan for follow-up services must be documented in a level of care transition summary and reflected in an updated treatment plan.

(G) Upon change from the intensive level of care, the provider must complete the appropriate outcomes packet and forward to the department.

(6) Quality Assurance.

(A) The department will track the following indicators:

1. Hospitalizations that occur while the individual is participating in the intensive level of care; and

2. Consumer movement to a more restrictive level of care while the individual is participating in the intensive level of care.

(B) The department will monitor specific services provided to an individual while they are enrolled in intensive CPR. The providers shall maintain and have available for review, the detail regarding service delivery. This information must be in the same format as if the services had been billed separately. The review may consist of documents sent to the department for review or a face-to-face review on-site at an agency.

AUTHORITY: sections 630.050, 630.655 and 632.050, RSMo 2000. Emergency rule filed Dec. 28, 2001, effective Jan. 13, 2002, expires July 11, 2002. Original rule filed Dec. 28, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions \$115,336,375 in the aggregate over the twenty (20)-year anticipated life of the rule. As indicated in the attached fiscal note, sufficient general revenue is available to provide the match required for federal financial participation.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Mental Health, Attn: Julie Carel, Division of Comprehensive Psychiatric Services, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be in writing and must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Fiscal Note
Public Entity Cost**

I. REGULATION NUMBER. (All of the information in Part I comes from the header of the rule.)

Title: Title 9----Department of Mental Health

Division: 30-----Certification Standards

Chapter: 4-----Mental Health Programs

Type of Regulation: Proposed Rule Amendment

Regulation Number and Name: Intensive Community Psychiatric Rehabilitation
9 CSR 30-4.045

II. SUMMARY OF FISCAL IMPACT (Present a summary of fiscal impact. Use a separate row for each public agency or political subdivision affected.)

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Mental Health	\$115,336,375

III. WORKSHEET (Present more detailed fiscal information.)

Worksheet attached

IV. ASSUMPTIONS AND METHODOLOGY. (Present assumptions, references and methods of acquiring information that underlie the conclusions in the fiscal note. Examples of information that might be included here are the sources of information presented in the fiscal note, why those sources were chosen and eventualities that might cause the fiscal impact to be different from your estimate.)

This rule expands the services offered through the CPR program by authorizing the provision of a service known as Intensive Community Psychiatric Rehabilitation. This rule provides more appropriate services and interventions offered by the CPR program to individuals with serious mental illness and serious emotional disorders. This rule provides for the inclusion of intensive services to be added to the menu of services in the CPR program , with its own service code and rate of \$110 per day.

Such services for adults are currently found in 9 CSR 30-4.043.2(H) (Treatment) and 9 CSR 30-4.034.3(B,C,D,E) Personnel. Costs for this has been filed with earlier Rules. However, the sections just mentioned are being deleted from the current rule and included in the new rule. Since costs for the provision of these services for adults have not changed and have been previously addressed they are not included in this fiscal note projection.

Intensive Community Psychiatric Rehabilitation Services are new for children and youth and are, therefore, included with this filing.

Fiscal Note Worksheet for Proposed Rule 9 CSR 30-4.045

Rule Provision	Per Cent of Clients Affected	Number of Clients	Daily Rate	Cost Per Client	Total	State GR	FFP	Available GR
Intensive CPR	100%	1,000	\$110	\$4,950	\$ 4,950,000	\$1,980,000	\$2,970,000	
Current CPR Services	50%	500		\$ 1,875	\$ 937,500	\$ 375,000	\$ 562,500	
Additional Month of CRP	50%	500		\$ 208	\$ 104,000	\$ 41,600	\$ 62,400	
					\$ 5,991,500	\$2,396,600	\$3,594,900	\$ 3,200,000

Footnotes:

1. Rate of \$110 per day established by committee which included providers.
2. 1,000 clients is estimate of current client count available for eligibility determination.
3. The cost per client of \$1,875 for Current CPR Services is 75% of the average cost for providing regular CPR services of \$2,500 per client.
4. The cost per client of \$208 for the additional month of CPR services is 1/12th of \$2,500.

	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
\$	1,497,875	\$ 5,991,500	\$ 5,991,500	\$5,991,500	\$ 5,991,500	\$5,991,500	\$5,991,500	\$ 5,991,500
	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
\$	5,991,500	\$ 5,991,500	\$ 5,991,500	\$5,991,500	\$ 5,991,500	\$5,991,500	\$5,991,500	\$ 5,991,500
	FY 2018	FY 2019	FY 2020	FY 2020	Twenty-Year Total			
\$	5,991,500	\$ 5,991,500	\$ 5,991,500	\$5,991,500	\$115,336,375			

Footnotes:

1. First year costs are calculated on three (3) months of service provision since training time will be involved.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 7—Water Quality**

PROPOSED RULE

10 CSR 20-7.040 Comprehensive Risk-Based Groundwater Remediation Rule

PURPOSE: The purpose of this rule is to codify the allowances and limitations for risk-based groundwater cleanup projects, as authorized in section 644.143, RSMo. This rule is intended to complement federal and state laws and regulations. Any person conducting a groundwater cleanup under the authority of any state environmental statute must comply with the requirements of this rule. This rule further defines the procedures that are presently allowed under the Missouri Water Quality Standards 10 CSR 20-7.031(5)(D). Unless site-specific alternative groundwater cleanup standards are approved by these procedures, the values in Table A or other parts of the Missouri Water Quality Standards remain the cleanup standards for groundwater. Alternative standards may be approved to reflect site-specific, risk-based exposure conditions, institutional controls, continuing monitoring, and other aspects of remedial action plans described below. This rule shall not apply to any existing risk-based groundwater cleanups underway prior to the effective date of this rule pursuant to section (2) of this rule. A copy of the Missouri Comprehensive Risk-Based Groundwater Remediation Rule Statement of Intent can be accessed at www.dnr.state.mo.us/deq/wpcp/homewpcp.htm.

(1) Definitions.

(A) Alternative cleanup levels (ACL)—Cleanup levels, other than maximum contaminant levels (MCLs), that are calculated based on site-specific conditions and that are protective of human health, safety and the environment.

(B) Ambient groundwater quality—General groundwater quality beneath and/or in the vicinity of a site that is not impacted by the site, but may have been impacted by background chemical constituents and/or ubiquitous anthropogenic constituents from off-site sources (for example, such as may be found in highly-industrialized areas).

(C) Background chemical constituents—Naturally-occurring elements and compounds.

(D) Completed exposure pathway—Exposure to a contaminant by a receptor, consisting of:

1. A source and mechanism of chemical release to the environment;
2. A retention or transport medium;
3. A point of contact with the contaminated medium (exposure point); and
4. An exposure route at the contact point.

(E) Groundwater—Water below the land's surface in a zone of saturation.

(F) Institutional controls—Legally binding and durable controls applied to properties that minimize the potential for exposure to contamination by limiting land or resource use. These institutional controls may include, but are not limited to, restrictive covenants, easements, and state law.

(G) Karst—Areas characterized by geologic features developed from the dissolution of soluble bedrock. Karst features include, but are not limited to, sinkholes, losing streams, caves, bedrock conduits and springs.

(H) Maximum contaminant levels (MCLs)—See 10 CSR 60-2.

(I) Monitored natural attenuation (MNA)—The reliance on naturally occurring processes in the environment that act without human intervention to reduce the mass, toxicity, mobility, volume or concentration of contaminants (within the context of carefully monitored subsurface conditions) to achieve site-specific

remediation objectives within a time frame that is reasonable compared to that offered by other more active methods.

(J) Person—See section 644.016(13), RSMo.

(K) Point of compliance (POC)—The location at which MCLs or other Department of Natural Resources (DNR)-accepted health, safety or environmental-based levels must be met.

(L) Potentially complete exposure pathway—An exposure pathway that is not complete because one (1) or more of the four (4) criteria in 10 CSR 20-7.040(1)(D) are not currently satisfied, although it is possible that all four (4) criteria could be satisfied in the future.

(M) Private groundwater supply—A well or spring that is used as a water supply and that is not a public water supply.

(N) Public water supply—A system for the provision to the public of piped water for human consumption, if the system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

(O) Public well—A well that supplies water to a public water supply.

(P) Risk assessment—The process of characterizing the magnitude of potential adverse health and adverse environmental effects as a result of exposure to contaminated environmental media.

(Q) Site—The property which contains or contained the contaminant source area(s) is the site for purposes of this rule. Multiple properties overlying the groundwater contamination plume that originates from the source area property(ies) are considered part of the site for purposes of investigation, risk characterization, determination of cleanup levels, implementation of the approved remedy and monitoring, and documentation of remedy completion.

(2) Site Applicability.

(A) As provided by section 644.143, RSMo, this rule applies to all risk-based groundwater remediation projects. This includes, but is not limited to, risk-based groundwater remediation projects conducted pursuant to the following state statutes:

1. Missouri Clean Water Law (Chapter 644, RSMo);
2. Solid Waste Management Law (section 260.200, et seq., RSMo);
3. Hazardous Waste Management Law (section 260.350, et seq., RSMo);
4. Underground Storage Tank Law (Chapter 319, RSMo); and
5. Metallic Minerals Waste Management Act (section 444.350, et seq., RSMo).

(B) Unless site-specific alternative cleanup levels are approved by these procedures, the values in Table A or other parts of the Missouri Water Quality Standards remain the cleanup standards for groundwater.

(C) Prior Remedial Actions.

1. Notwithstanding any other provision of this rule, any person implementing or who has completed a risk-based groundwater remediation under a DNR-approved groundwater remediation plan prior to the effective date of this rule is exempt from this rule. However, any such person may voluntarily request oversight to conduct a risk-based groundwater cleanup under the provisions of this rule.

2. Nothing in this section will prohibit DNR from reopening a site if it has determined that a threat to either human health or the environment is continuing to occur.

(3) Urban Groundwater Zone Designation.

(A) An urban groundwater zone designation may be established that meets the following criteria:

1. The urban groundwater zone must have a designated management authority that shall be approved by the Missouri Clean Water Commission. The authority shall be a quasi-public

governmental body as defined in section 610.010(4)(f), RSMo that is capable of ensuring that the requirements of this rule are met;

2. The designation shall only encompass areas of known groundwater contamination, except that a one-quarter (1/4) mile buffer area may be drawn around an area, or areas, of groundwater contamination;

3. The zone shall not encompass any property(ies) that have a well that is used as a private groundwater supply or public water supply;

4. Sites that impact or may potentially impact a private groundwater supply or public water supply shall not qualify for inclusion in the urban groundwater zone;

5. The consent of all affected municipalities must be obtained before an urban groundwater zone may be designated;

6. Institutional controls prohibiting the drilling of wells for use as a private groundwater supply or public water supply must be in place; and

7. Upon conditional approval by DNR, the urban groundwater zone designation shall be subject to public review and comment.

(B) The Clean Water Commission will review the proposed urban groundwater zone designation and will make a decision to approve or reject the proposal following a public hearing.

(C) Only historically contaminated sites within the zone are eligible. The sites that are located within an urban groundwater zone must still meet the requirements of this rule with the exception that sites may demonstrate that there are no complete or potentially complete exposure pathways may be exempt from sections (8) and (9) of this rule.

(4) Oversight. All persons not already receiving DNR oversight pursuant to an abatement order on consent, consent agreement, abatement order, permit or other mechanism shall enter into a site-specific risk-based groundwater remediation agreement with DNR. This agreement shall set forth the responsibilities of the person and DNR. At a minimum, the site-specific groundwater remediation agreement will contain the following information:

(A) Site owner;

(B) Site location with latitude and longitude coordinates. At a minimum, this shall include the location of the site on a one to twenty-four thousand (1:24,000) U.S. Geological Survey topographic map;

(C) The specific contaminants identified and any suspected at the site (for example, degradation products);

(D) Known existing contaminant levels, corresponding MCLs, and other potentially applicable health, safety and environmental-based criteria;

(E) Present and former uses of the site, including information on past waste management and disposal practices;

(F) The intended use of the site;

(G) Consent for DNR access to the portions of the site under control of the person;

(H) Certified copy of the deed(s) for the portions of the site under control of the person;

(I) Copies of all environmental assessments and investigations conducted at the site.

(5) Site Characterization.

(A) Persons shall perform site characterization in accordance with the regulations, policies, practices and guidance established by the DNR program overseeing the cleanup.

(B) Persons shall perform site characterization in accordance with a schedule submitted by the person and approved by DNR.

(C) At a minimum, site characterization shall include the submission of work plans, schedules, reports or other necessary deliverables addressing the following site-specific information needs. The level of information provided to address the requirements of

this subsection shall be appropriate for site-specific conditions and shall include:

1. Characterization of groundwater quality within and upgradient of the plume(s) of groundwater contamination. This shall include delineation of the horizontal and vertical extent of groundwater contamination and identification of all chemical compounds and associated degradation products found in the groundwater, which are known or reasonably suspected to be attributable to releases at the site;

2. Characterization of the hydrogeologic parameters of impacted and potentially impacted geologic materials including transmissivity, storativity, vertical and horizontal hydraulic conductivities and gradients, and the nature and location(s) of significant hydrologic boundaries in the vicinity of the plume(s) of groundwater contamination;

3. Groundwater yield potential of the affected aquifer and any potentially interconnected aquifers;

4. Historical use of groundwater from the affected aquifer and any potentially interconnected aquifers and surface water bodies in the vicinity of the plume(s) of groundwater contamination;

5. Proximity of the site to public water supplies or private groundwater supplies;

6. At a minimum, location of all Karst features within one (1) mile of the site boundary. Karst features beyond one (1) mile of the site that may reasonably be expected to be affected by the site shall be considered;

7. Proximity of the site to springs and other waters of the state;

8. A map of the site, clearly marked with all on-site and peripheral surface and subsurface, active and inactive utilities (that is, water, gas, electric, storm/sanitary sewers and telecommunications), along with property boundaries, roads, right-of-ways and easements. The map must also delineate adjacent and surrounding properties within one-quarter (1/4) mile and all properties known to be or potentially be overlying the groundwater contaminant plume(s);

9. An analysis of whether the site presently impacts or is likely to impact a public water supply or private groundwater supply based on the following criteria:

A. The site is within an area that has been designated by the DNR's Public Drinking Water Program as a wellhead protection area or a source water protection area for a public water supply, including a surface water intake serving a public water supply.

B. A private groundwater supply is within two thousand feet (2,000') or ten (10)-year groundwater travel time, whichever is the greater distance, as measured from the closest property boundary of the site;

10. An analysis of whether the site presently impacts or is likely to impact groundwater that is not currently used as a public water supply or private groundwater supply where groundwater quality and quantity is such that it could be suitable for use as a public water supply or private groundwater supply without treatment or with reasonable and customary prior treatment;

11. An analysis of whether the site presently impacts or is likely to impact any natural spring, or any water which contributes to a natural spring, which is recognized for its recreational or aesthetic value and is located in a state park, national park, conservation area, or any area protected by a conservation easement;

12. Any off-site groundwater impacts that may influence the ambient groundwater quality conditions at the site;

13. Information regarding any current and potential exposures to site-related groundwater contamination. This information may include:

A. Current groundwater use patterns in the vicinity;

B. Quantity and yield of groundwater bearing zones;

C. Ambient and/or background groundwater quality of groundwater bearing zones, particularly the presence of

widespread anthropogenic contamination from historic regional sources;

D. Demographics, land use, and remoteness;

E. Availability of economic alternative water supplies;

F. Pre-existing institutional controls; and

G. Potential for impacting other groundwater-bearing zones that constitute a current or potential future source of public water supply or private groundwater supply; and

14. Other relevant information deemed necessary by DNR to demonstrate that site-specific risk-based groundwater cleanup levels are protective of human health, safety and the environment.

(D) The data and information identified above shall be submitted in a Site Characterization Report that has been sealed or stamped by a geologist registered in the state of Missouri. Site characterization work plans and other necessary deliverables shall also be sealed or stamped by a geologist registered in the state of Missouri, as appropriate. The DNR will review and approve the Site Characterization Report in accordance with section (13) of this rule.

(E) If DNR determines that contaminated groundwater has migrated from a source area to another property, the person shall notify the affected property owner(s) of the contamination by certified mail return receipt or other legal documentation and a copy of that notification shall be provided to DNR. The person shall notify affected property owners within thirty (30) days of notice from DNR that the notification is required.

(6) Source Control. If DNR determines that source control or removal measures are necessary and appropriate on the person's property as part of any risk-based groundwater remediation project, those measures shall be completed in order for the project to be determined by DNR to be complete. Such measures may be deemed necessary and appropriate to ensure that the contaminated media are no longer acting as a significant source of groundwater contamination.

(7) Exposure Pathway Assessment.

(A) Purpose: Identification of the complete and potentially complete groundwater-related exposure pathways at a site that may pose a risk to human health, safety or the environment.

(B) Required Submittal: Exposure Pathway Assessment Report. This report shall describe the nature, likelihood, and route of actual and potential exposures to human and ecological receptors, based on the Site Characterization Report. The exposure pathway assessment shall be prepared in accordance with the methodology contained in the most current version of the United States Environmental Protection Agency's (USEPA) Risk Assessment Guidance for Superfund (RAGS) or other procedures that receive written approval by DNR prior to submitting a risk assessment.

(C) Evaluation of Groundwater Use Pathway: The following factors will be considered in determining if a zone of impacted groundwater constitutes a potential future source of public water supply or private groundwater supply and is therefore part of a potentially complete exposure pathway:

1. Current groundwater use patterns in the site vicinity;

2. Quantity and yield of groundwater bearing zones;

3. Ambient and/or background quality of groundwater-bearing zones, particularly the presence of widespread anthropogenic contamination from historic regional sources; and

4. Potential for impacting other groundwater-bearing zones, which constitute a current or potential future source of public water supply or private groundwater supply.

(D) Required Demonstrations.

1. For all exposure pathways that are complete or potentially complete, the person must demonstrate to DNR that either:

A. Contaminant concentrations in the groundwater are below MCLs or other DNR-accepted health, safety or environmental-based levels; or

B. Complete and potentially complete exposure pathways will be adequately addressed by meeting the requirements of this rule.

2. Persons that demonstrate to DNR that an exposure pathway is not complete or potentially complete may propose natural attenuation as the remedy and are exempt from the requirements of subsection (9)(D) of this rule.

3. Persons that demonstrate to DNR that an exposure pathway is not complete or potentially complete, and groundwater is not usable as a public water supply or private groundwater supply based on yield and poor ambient groundwater quality resulting solely from anthropogenic contamination may be exempted from the provisions of sections (8) and (9) of this rule except as noted in the following. For purposes of this subsection, the person shall:

A. Demonstrate that groundwater beneath the site is of poor ambient quality resulting solely from anthropogenic contamination such that there is no reasonable expectation that the groundwater beneath the site will ever be used as a public water supply, private groundwater supply or for any other purpose that could result in unacceptable risks to human health, safety or the environment;

B. Demonstrate that the plume of groundwater contamination related to releases attributable to the site will not migrate beyond the area of poor ambient groundwater quality;

C. Conduct a DNR approved public participation process. The public participation process will follow the provisions of paragraph (9)(E)2. of this rule where applicable; and

D. DNR may require monitoring and/or institutional controls as part of the demonstration.

(E) Sites within an urban groundwater zone that can demonstrate that there is no complete or potentially complete exposure pathway (for all pathways, including groundwater to air and/or surface water) may be exempted from sections (8) and (9) of this rule.

(F) The Exposure Pathway Assessment Report shall be submitted to DNR and will be reviewed by DNR to assure the report's accuracy, compliance with guidance, and protectiveness of human health and the environment. The DNR will review and approve the Exposure Pathway Assessment Report in accordance with section (13) of this rule.

(8) Risk Characterization and Determination of Cleanup Levels.

(A) Purpose: Characterization of risk and establishment of contaminant cleanup levels based on DNR-accepted health, safety and environmental-based levels or site-specific risk-based determinations.

(B) Required Submittal: Risk Characterization and Determination of Cleanup Levels Report. This report shall propose the POC and cleanup levels that must be attained. The Risk Characterization and Determination of Cleanup Levels Report must provide information supporting the use of any proposed Alternative Cleanup Levels (ACLs), including an ecological risk assessment.

(C) Point of Compliance (POC). This applies to the groundwater remediation component of a site cleanup by establishing the locations at which cleanup levels must be met. If contaminants are present within separate aquifers or water-bearing zones beneath the site, DNR may require that each contaminated aquifer or water-bearing zone be monitored separately.

1. Contaminated groundwater below the site throughout the three-dimensional plume of contamination is the POC if there is a complete or potentially complete exposure pathway, and there are no DNR-approved institutional controls on the property.

2. If there are DNR-approved institutional controls in place and the plume of contamination has not migrated off of the property(ies) under control of the person, a POC may, with DNR approval, be established at the location(s) on the property(ies) under control of the person that is within the plume and as close to the leading edge of the plume of contamination as practical.

3. If the plume of contamination has migrated beyond the property(ies) under control of the person, a POC may, with DNR approval, be established on a downgradient site property at the location(s) within the plume and as close to the leading edge of the plume of contamination as practical. Persons requesting a POC(s) on a property(ies) other than the property(ies) which is under their control shall obtain and provide documentation of the following:

A. Institutional controls on the other properties;

B. Right of entry to the other site property(ies) for parties conducting cleanup and government agencies supervising cleanup as determined necessary by DNR;

C. Authorization to conduct monitoring, including installation of wells as determined necessary by DNR;

D. Proof, in the form of a certified mail return receipt or other legal documentation, that the owner(s) of the other property(ies) received a letter fully disclosing the risks related to the contamination, institutional control requirements and other relevant technical and legal information. The person shall submit for DNR approval the notification language in the letter before it is sent to the owner(s) of the other property(ies).

(D) Tiered Site Evaluation. The person shall conduct an evaluation of the risks posed by the groundwater contaminants and determine cleanup levels.

1. If DNR determines that contaminant levels in the groundwater are below MCLs or other DNR-accepted health, safety or environmental-based criteria, further actions to address groundwater at the site may not be required.

2. If DNR determines that contaminant levels in the groundwater are above MCLs or other DNR-accepted health, safety or environmental-based criteria, then MCLs or other health, safety or environmental-based criteria shall be the contaminant cleanup levels if any of the following conditions exist:

A. The site presently impacts or is likely to impact a private groundwater supply or public water supply. The likelihood that the site will impact a private groundwater supply or public water supply shall be based on the following:

(I) The site is within an area that has been designated by the DNR Public Drinking Water Program as a wellhead protection area or a source water protection area for a public water supply well; or

(II) A private groundwater supply is within two thousand feet (2,000') or ten (10)-year groundwater travel distance, whichever is the greater distance, as measured from the closest property line of the site; or

B. The site presently impacts or is likely to impact groundwater that is not currently used as a public water supply or private groundwater supply, but is suitable for use as a public water supply or private groundwater supply. The determination as to whether or not groundwater that is suitable for use as a public groundwater supply or private water supply shall be based on the considerations specified in subsection (7)(C) of this rule; or

C. The site presently impacts or is likely to impact any natural spring, or any water which contributes to a natural spring, which is recognized for its recreational or aesthetic value and is located in a state park, national park, conservation area, or any area protected by a conservation easement; or

D. Conditions at the site constitute an imminent and substantial endangerment to public health, safety or the environment; or

E. A POC is proposed where there is a complete or potentially complete exposure pathway and there are no DNR-approved institutional controls on the property.

3. If DNR determines that contaminant levels in the groundwater are above MCLs or other DNR-accepted health, safety or environmental-based criteria, the person is able to provide the assurances pursuant to paragraphs (8)(C)2. or (8)(C)3. of this rule in establishing a POC; and none of the criteria in paragraph (8)(D)2. of this rule apply, the person shall either:

A. Utilize MCLs or other DNR-accepted health, safety or environmental-based criteria to establish groundwater cleanup goals; or

B. Calculate ACLs for groundwater or proceed to subparagraph (8)(D)3.C. below. ACLs calculated under this item must be based on the methodology contained in the most current version of EPA's RAGS Volume I – *Human Health Evaluation Manual* (Part B, Development of Risk-Based Preliminary Remediation Goals), or other procedures that receive written approval by DNR prior to submitting calculated ACLs. Procedures developed under subparagraph (8)(D)3.D. of this paragraph may be used. If direct measurement/testing is not possible, an appropriate media transfer model may be used.

C. In calculating ACLs for groundwater, the following requirements shall apply:

(I) All complete and potentially complete human exposure routes must be addressed in the ACL calculations including, as appropriate: ingestion from drinking; inhalation of contaminants resulting from direct use of contaminated groundwater and/or the transfer of contaminants from contaminated groundwater to air; and dermal absorption of contaminants resulting from direct use of and/or contact with contaminated groundwater;

(II) All complete and potentially complete environmental exposure routes must be addressed within the ecological risk assessment required by paragraph (8)(D)4. of this rule;

(III) A cumulative carcinogenic target risk of 1×10^{-5} and a cumulative non-carcinogenic target hazard index of one (1) for the human exposure routes shall be used in the ACL calculations;

(IV) DNR accepted standard variable values shall be used, where available, in the calculation of ACLs with the exception of the following parameters, which may be based on site-specific conditions: the frequency of exposure and the exposure duration. The frequency of exposure and exposure duration used in the calculation for each exposure route must be representative of the exposure that might be reasonably expected for that particular route under site-specific conditions; and

(V) Proposed ACLs shall account for all potential adverse health, safety and environmental effects from all contaminants and all exposure pathways combined. Approved ACLs are site-specific and not applicable to any other site.

C. Perform a human health risk assessment in accordance with the most current version of the EPA's RAGS document or other procedures that receive written approval by DNR prior to submitting a risk assessment. Procedures developed under subparagraph (8)(D)3.D. of this rule may be used. The human health risk assessment shall be submitted to DNR and shall be reviewed by DNR and the Missouri Department of Health and Senior Services to assure the submission's accuracy, compliance with recommended guidance and protectiveness of human health.

(I) Human health risk assessments shall include consideration of all applicable human exposure routes (that is, ingestion, inhalation and dermal contact). The chemical concentrations used in assessing exposures related to the transfer of contaminants from groundwater to air shall be established via direct measurement/testing. If direct measurement/testing is not possible, an appropriate media transfer model may be used.

(II) Human health risk assessments shall be based on residential exposure scenarios, unless institutional, engineering and/or other controls are proposed that assure that no greater human exposure will occur than that of a non-residential scenario.

D. DNR may establish media and program-specific guidance that establishes cleanup levels under this paragraph. Such guidance may establish look-up tables and equations for deriving cleanup levels under items A. and B. of this subparagraph. Such guidance may also establish procedures for conducting risk assessments under subparagraph (8)(D)3.C. of this rule.

4. Ecological risk assessment. An ecological risk assessment shall be conducted at all sites where there is a complete or

potentially complete exposure pathway. The procedure outlined in the most recent version of DNR's Cleanup Levels for Missouri (CALM) guidance document shall be utilized in the preparation of the ecological risk assessment. In the event that a qualitative or quantitative ecological risk assessment identifies a risk to ecological receptors, the person shall determine if any ACL(s) calculated pursuant to paragraph (8)(D)3. of this rule are sufficiently protective of the ecological receptors. If the ACLs are determined not to be protective of ecological receptors, DNR may require the person to calculate new ACLs to ensure protection of the ecological receptors.

(E) A Risk Characterization and Cleanup Levels Report incorporating all information required by section (8) of this rule shall be submitted to DNR no later than ninety (90) days following approval of the Exposure Pathway Assessment Report. The Risk Characterization and Cleanup Levels Report shall be reviewed and conditionally approved by DNR in consultation with the Missouri Department of Health and Senior Services in accordance with section (13) of this rule.

(9) Risk-Based Groundwater Remediation Plan.

(A) A Risk-Based Groundwater Remediation Plan shall be prepared consisting of measures that reduce contaminant concentrations to levels at or below clean-up levels and/or prevent exposures to the contamination. These actions may include, but are not limited to, contaminant source removal, treatment, containment, engineering controls, institutional controls, monitored natural attenuation (MNA), or a combination thereof.

(B) To prevent off-site migration of a plume, MCLs or DNR-accepted health, safety, or environmental-based levels must be met at the boundary of the site.

(C) The minimum threshold for remedy performance shall be monitored natural attenuation in accordance with subsection (9)(E) of this rule below.

(D) In determining the level of remedial action that is warranted, DNR shall seek a reasonable balance among remediation level-of-effort, short- and long-term risk to human health and the environment, and groundwater resource protection. The plan shall describe, and DNR will consider, the following factors in reviewing the proposed Groundwater Remediation Plan:

1. Overall protection of human health and the environment;
2. Attainment of media cleanup levels, including the time estimated to achieve these levels;
3. Controlling or removing the source(s) of releases;
4. Compliance with standards for management of wastes; and
5. Other factors including:
 - A. Long-term reliability and effectiveness;
 - B. Reduction of toxicity, mobility or volume of wastes;
 - C. Short-term effectiveness;
 - D. Implementability;
 - E. Technical practicability;
 - F. Cost; and
 - G. Community acceptance.

(E) Monitored Natural Attenuation.

1. The Groundwater Remediation Plan may request approval of MNA to remediate the groundwater at the site. The decision to allow MNA will be based on information supplied in the Site Characterization Report, Exposure Pathway Assessment Report and Risk Characterization and Cleanup Levels Report. DNR will evaluate potential impacts to human health and the environment in determining whether MNA is appropriate for the site.

2. A Groundwater Remediation Plan requesting consideration of MNA shall be evaluated by DNR only after the following have occurred:

A. Source control measures have been implemented that prevent future releases of contaminants to groundwater;

B. Durable institutional controls are in place, as approved by DNR, preventing the usage of contaminated groundwater and/or exposure to groundwater-related contaminants.

3. If MNA is proposed, the Groundwater Remediation Plan must provide details about the source control measures taken at the site and documentation of the institutional controls. In addition, the plan must include:

A. A demonstration that contaminated environmental media are no longer acting as a source of groundwater contamination at sites where the source control involved the treatment or containment of such media;

B. A demonstration that the plume of groundwater is stable and that the contaminants will not migrate vertically or horizontally across the boundary(ies) of the currently contaminated property(ies). Hydraulic control of the plume through pumping or other appropriate technologies, in order to prevent it from migrating off the property(ies), is acceptable;

C. A demonstration that natural attenuation processes are acting to reduce the mass, toxicity, mobility, volume or concentration of contaminants, including:

(I) Actual site hydrogeologic and geochemical field sampling data demonstrating that natural attenuation is occurring and/or that subsurface conditions are conducive to natural attenuation; and/or

(II) Data demonstrating actual reductions in contaminant concentrations;

D. Data demonstrating the rate at which contaminant levels are expected to attenuate, including the estimated time to achieve contaminant cleanup levels at the POC. The estimated attenuation rate and attenuation time frame shall be submitted as part of the proposed Groundwater Remediation Plan. The amount of time needed to attain contaminant cleanup levels must be reasonable when compared to other remedial technologies;

E. A groundwater monitoring program.

(I) The groundwater monitoring program must be designed to detect further migration of the plume of groundwater contamination, provide data on contaminant concentration changes over time and distance, detect changes in ambient groundwater quality, and provide data on contaminant degradation or transformation products.

(II) Sampling and analysis of groundwater must be performed at a frequency, and for parameters, which are appropriate for site-specific conditions and which are sufficient to enable assessment of contaminant trends, natural attenuation rates and seasonal/temporal variations in groundwater quality. Once contaminant cleanup levels are achieved, groundwater monitoring must continue for a period of time which is sufficient to ensure that residual subsurface contamination does not result in recontamination of groundwater above applicable contaminant cleanup levels. Proposed site-specific groundwater monitoring programs shall be specified and will be reviewed and approved as part of the Groundwater Remediation Plan required by this section;

F. Contingent provisions that specify evaluation of additional remedial alternatives by the person if MNA is determined by DNR to be ineffective.

4. If MNA is approved, a reevaluation of the groundwater remedy by the person may be required pursuant to the contingent provisions of the MNA proposal, if the MNA is determined by DNR to be ineffective (that is, monitoring data fails to demonstrate that MNA has achieved the estimated attenuation rate). DNR will notify the person of this determination in writing and shall require that the evaluation of additional remedial alternatives be fully developed and a new or modified remedy proposed.

A. The period of time allowed to demonstrate that MNA is achieving the estimated rate of attenuation will be determined on a site-specific basis.

B. DNR may grant variances or extensions for groundwater remedy reevaluation based on site-specific conditions.

(F) The Risk-Based Groundwater Remediation Plan shall be submitted to DNR no later than ninety (90) days following approval of the Risk Characterization and Cleanup Levels Report and shall be sealed or stamped by a geologist registered in the state of Missouri.

1. DNR will review the proposed Groundwater Remediation Plan to determine if it complies with the requirements of this section. DNR may require changes to the Groundwater Remediation Plan if the requirements of this section are not met. Plans that meet the requirements of this section shall be conditionally approved pending public review and comment.

2. Upon conditional approval by DNR, the Groundwater Remediation Plan shall be subject to public review and comment.

A. Existing public participation regulations, policies, established practices or guidance shall apply to persons participating pursuant to subsection (2)(A) of this rule.

B. The absence of such public participation regulations, policies, established practices, or guidance, public participation as described in the most current version of DNR's CALM guidance document will be used by DNR to guide the public participation aspects of the risk-based groundwater cleanup project. Public notification and participation requirements shall be tailored to each site due to the variety of factors involved in each cleanup. DNR shall approve such requirements on a case-by-case basis.

(10) Approval of Final Remedies and No Further Action.

(A) Following the close of the public comment period for the proposed Groundwater Remediation Plan, DNR will review and respond in writing to public comments on the proposed plan. DNR may accept, modify or reject the final remedy contained in the proposed Groundwater Remediation Plan in response to public comments.

(B) Following the public comment period, DNR will issue a final decision regarding the proposed Groundwater Remediation Plan, associated clean-up levels and continued management requirements.

(C) Conditions of continued management shall include, as applicable:

1. Monitoring;
2. Establishment of a POC;
3. Reporting;
4. Institutional controls;
5. Engineering controls (operation and maintenance of final remedy); and/or
6. A contingency plan to be implemented in the event of changing site conditions or failure of the approved final remedy.

(D) Upon completion of public participation for any proposed finding of No Further Action pursuant to paragraph (7)(D)3. of this rule, DNR will issue a final decision.

(11) Determination of Project Completion.

(A) Upon DNR's determination that all applicable provisions of this rule have been satisfied at a site, DNR will issue a written determination of project completion. DNR may require reevaluation of any groundwater remedy if it proves to be ineffective or fails to provide adequate protection of human health and the environment.

(B) Successful completion of a risk-based groundwater remediation project as evidenced by DNR's issuance of a determination of project completion automatically results in the termination of the site-specific groundwater remediation oversight agreement if any.

(12) Reimbursement.

(A) All persons, not already reimbursing DNR for work performed under the authority of other statutes, as identified in subsection (2)(A) of this rule, shall reimburse DNR for site-specific administration and oversight costs associated with risk-based

groundwater cleanups. A complete accounting of the state's costs incurred in project administration and oversight will be billed to the person by mail in accordance with the following:

1. Personnel. The state's personnel hourly rates multiplied by a fixed factor of three and one-half (3 1/2) will be the basis for time accounting billing. This fixed factor is comprised of direct labor costs; fringe benefits, calculated at a rate developed by DNR; indirect costs, calculated at a rate approved by the United States Department of the Interior; and direct overhead, including but not limited to, the cost of clerical support and supervisory review and DNR administrative and management support;

2. Expenses. The direct expenses incurred during administration and oversight and any analytical costs associated with sampling; plus indirect costs calculated at the approved United States Department of the Interior rates;

3. Long-term oversight costs. For sites that require engineering and/or institutional controls (for example, capping, restrictive covenants), the person shall submit a fee to cover DNR's long-term costs in monitoring such controls. DNR shall establish a site-specific fee, ranging from five thousand to fifteen thousand dollars (\$5,000-\$15,000) to cover these costs. The amount of the fee shall be dependent upon the complexity of the site and the type of engineering and/or institutional controls.

(B) DNR shall bill the person for all administrative and oversight costs and any associated expenses. The person shall reimburse DNR within sixty (60) days following notice from DNR that reimbursement is due. Failure to submit timely reimbursement is grounds for termination of the groundwater remediation oversight agreement. All necessary reimbursements to DNR must be made prior to DNR's issuance of any final determinations regarding project completion.

(13) DNR Review and Approval.

(A) Following submission of any plan or report pertaining to risk-based groundwater remediation, DNR will acknowledge receipt, review, and either approve or disapprove the plan or report in writing.

(B) If DNR disapproves a plan or report, DNR will notify the person in writing of the plan's or report's deficiencies and specify a due date for submittal of a revised plan or report. If DNR disapproves a revised plan or report, DNR will work informally with the person to resolve any remaining issues or deficiencies within a reasonable period of time.

(C) The person may request an extension to the deadlines specified in this rule, including any schedules established pursuant to approved work plans or reports submitted pursuant to this rule. The person must provide justification for the extension and specify a new date for document submittal and/or completion of required activities as part of any such request. DNR will consider extension requests on a case-by-case basis and will either approve or disapprove the extension request in writing within thirty (30) days of receipt.

(D) Any Risk Characterization and Cleanup Levels Report or Groundwater Remediation Plan conditionally approved by the DNR pursuant to subsection (8)(E) or paragraph (9)(E)1. of this rule, respectively, is subject to modification or rejection based upon public review and comment.

(14) Termination of Risk-Based Groundwater Remediation Agreements.

(A) Subsection (13)(C) of this rule provides for extension of the deadlines specified in this rule, including any schedules established pursuant to approved work plans or reports submitted pursuant to this rule. Repeated failure to request extensions in accordance with this paragraph, as appropriate, and/or failure to follow schedules, which are approved by DNR pursuant to this rule, may also be considered grounds for termination of site-specific groundwater remediation oversight agreements.

(B) Failure to reimburse the state's oversight costs may result in termination of the site-specific groundwater remediation oversight agreement.

(C) Persons not subject to enforcement action or other regulatory requirements to remediate groundwater at the site may voluntarily withdraw from the site-specific groundwater remediation oversight agreement. The person shall reimburse all applicable oversight costs incurred by the state prior to the agreement being terminated. Requests to terminate a groundwater remediation oversight agreement must be submitted to DNR in writing no less than thirty (30) days prior to the termination of the agreement.

(15) Financial Assurances. DNR may require that the person provide financial assurance or the person may offer to provide financial assurance to ensure completion of any monitoring or remedy implemented pursuant to this rule. If DNR determines that financial assurance is required, the amount, timing and type of the financial assurance instrument(s) and the acceptability of particular instruments will be negotiated with the person and will be approved by DNR on a case-by-case basis.

(16) Penalties. Nothing in this rule shall prevent DNR from seeking penalties for violations of the law for any person subject to enforcement action or other regulatory requirements to remediate groundwater.

(17) Natural Resources Damages. Nothing in this rule shall prevent DNR from seeking the payment of damages, including natural resources damages, including investigative or cleanup costs related to pollution or other violations of law.

(18) Commission Appeal. Consistent with Chapters 640 and 644, RSMo, an affected person may appeal any decision by DNR under section (13) of this rule to the Clean Water Commission. The affected party must file a notice of appeal with the commission within thirty (30) days of the notice of any action in accordance with section (13) of this rule pertaining to risk-based groundwater remediation.

AUTHORITY: section 644.026, RSMo 2000. Original rule filed Dec. 28, 2001.

PUBLIC COST: It is estimated the proposed rule will cost the agencies responsible for implementation one hundred fifty-five thousand six hundred ninety-one dollars (\$155,691). In addition, it is estimated that the cost for groundwater cleanups at sites owned by local government could range from one hundred fifty thousand dollars (\$150,000) to eight (8) million dollars.

PRIVATE COST: The annualized cost of this rule cannot be estimated. It is estimated that the total cost could range from ten and one-half (10.5) million dollars to one hundred fifty-six (156) million dollars. As noted in the fiscal note, it is assumed that the number of groundwater cleanups to be conducted will not change as a result of this rule with the exception of the Voluntary Cleanup Program. The change will be that the procedures in the rule will now apply to these groundwater cleanups. These cleanups take place over a period of years in the future.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Clean Water Commission will accept comments for sixty (60) days and will hold a public hearing on this proposed rule. In addition, the staff will conduct public meetings in Kansas City and St. Louis prior to the hearing to allow interested parties to review the proposed rule and ask questions about its applicability. The public hearing will be held beginning at 9:00 a.m., March 19, 2002 at the Capitol Plaza Hotel, 415 W. McCarty, Jefferson City, Missouri. Those wishing to speak at the public hearing should send a written request to speak to the Secretary,

Missouri Clean Water Commission, PO Box 176, Jefferson City, MO 65102, or by fax at (573) 526-1146, by 5:00 p.m. March 12, 2002, written comments will also be accepted until 5:00 p.m., April 2, 2002.

**FISCAL NOTE
PUBLIC COST****I. RULE NUMBER****Title:** 10 – Department of Natural Resources**Division:** 20 – Clean Water Commission**Chapter:** 7 – Water Quality**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 10 CSR 20-7.040 Comprehensive Risk-Based Groundwater
Remediation Rule**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Natural Resources and Department of Health and Senior Services	\$155,691
Local Government -- This estimated cost would be for groundwater cleanups at sites owned by local government	\$150,000 - \$8 million

III. WORKSHEET**Missouri Department of Natural Resources and Department of Health and Senior Services**

Personnel	#FTE	Salary	Estimated Annualized Cost
Envir. Specialist III	3.0	\$33,276	\$99,828
Geologist II	1.0	\$33,276	\$33,276
Subtotal			\$133,101
E&E		\$7,530/FTE	\$22,590
Total*			\$155,691

* Does not include Fringe Benefit or Indirect

New groundwater cleanups initiated as a result of this rule:

Authority	Estimated Number Groundwater Cleanups	Estimated Range of Cleanup Costs
Voluntary Cleanup Program	15	\$150,000 - \$8 million

IV. ASSUMPTIONS

1. Section 644.143 RSMo which was passed in 1999 requires the Clean Water Commission to “establish procedures for determining whether remediation of groundwater, based on risk to human health and the environment, is appropriate for any particular site.”
2. Risk-based groundwater cleanups are presently conducted under the authority of the various, existing federal and state statutes and regulations, such as the Voluntary Cleanup Program, Underground Storage Tank program, etc.
3. Section 644.143 RSMo does not provide the Department of Natural Resources with any additional authority regarding groundwater cleanups.
4. The proposed rule establishes the “procedure” to be followed when an entity is conducting a groundwater cleanup. This rule would apply to all groundwater cleanups in the state under the authority of existing federal and state statutes and rules. A single procedure which applies to all groundwater cleanups for groundwater cleanups has not existed prior to this rule.
5. Groundwater cleanups are normally part of a larger cleanup effort (i.e., soil contamination, etc.).
6. With the exception of the VCP program, it is assumed that the number of the groundwater cleanups to be conducted will not change as a result of this rule.
7. It is assumed that owners and developers of brownfield sites will chose to take advantage of this rule to pursue alternative groundwater cleanup levels to facilitate cleanup and redevelopment of these sites.
8. It is estimated that there will be an additional 20-25 new sites a year with groundwater contamination entering the VCP as a result of this rule. It is further estimated that at least 15 of these sites will be properties under the control of state or local government.
9. The costs to perform groundwater cleanups can range from approximately \$10,000 to hundreds of thousands, or even millions of dollars depending on the extent of the groundwater contamination, nature of the pollutants, etc. The cleanup costs are dependent on many factors including the extent of contamination, type of contaminants, existing groundwater quality, etc.
10. For those sites where the department allows alternative cleanup levels, there could be a savings to the entity conducting the cleanup.
11. It is expected that many sites with groundwater contamination will pursue alternative cleanup levels in accordance with this rule to remediate the site.
12. The cost of compliance could depend on the geographic location of the contaminated site.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER****Title:** 10 – Department of Natural Resources**Division:** 20– Clean Water Commission**Chapter:** 7 – Water Quality**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 10 CSR 20-7.040 Comprehensive Risk-Based Groundwater
Remediation Rule**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Unknown	This rule would apply to any site where groundwater contamination exists and groundwater cleanup will be conducted. It would include industrial and commercial sources, abandoned properties, etc.	An estimate of the aggregate cost of the rule can not be provided. Section III provides an estimate of the number of sites in the state which include some level of groundwater cleanup and the estimated cost range for those cleanups.

III. WORKSHEET

As stated in the assumptions this rule will apply to groundwater cleanups conducted under the authority of the various, existing federal and state statutes and regulations, such as the Voluntary Cleanup Program (VCP), Underground Storage Tank program, Resource Conservation, and Recovery Act, Superfund, etc. With the exception of the VCP program, it is assumed that the number of the groundwater cleanups to be conducted will not change as a result of this rule. The change will be that the procedures in the rule will now apply to these groundwater cleanups. These groundwater cleanups would take place over a period of years in the future.

As also stated in the assumptions, the cost of groundwater cleanups can range from a few thousand dollars to several hundreds of thousands of dollars depending on the extent of contamination, pollutants, threat to human health and the environment, etc. It is impossible to provide an accurate estimate of the costs of the cleanups. Therefore, a cost range has been provided. In addition, because the rule outlines a process for determining the appropriateness of alternative cleanup levels, there could be a substantial cost savings to private entities.

Ongoing groundwater cleanups under the authority of existing statutes:

Authority	Estimated Number Groundwater Cleanups	Estimated Range of Cleanup Costs
Resource Conservation and Recovery Act (RCRA)	50	\$500,000 - \$25 million
Voluntary Cleanup Program	62	\$620,000 - \$32 million
Underground/Above Ground Storage Tanks	939	\$9,390,000 - \$94 million

New groundwater cleanups initiated as a result of this rule:

Authority	Estimated Number Groundwater Cleanups	Estimated Range of Cleanup Costs
Voluntary Cleanup Program	10	\$50,000 - \$5 million

IV. ASSUMPTIONS

1. Section 644.143 RSMo which was passed in 1999 requires the Clean Water Commission to "establish procedures for determining whether remediation of groundwater, based on risk to human health and the environment, is appropriate for any particular site."
2. Risk-based groundwater cleanups are presently conducted under the authority of the various, existing federal and state statutes and regulations, such as the Voluntary Cleanup Program, Underground Storage Tank program, etc.
3. Section 644.143 RSMo does not provide the Department of Natural Resources with any additional authority regarding groundwater cleanups.

4. The proposed rule establishes the “procedure” to be followed when an entity is conducting a groundwater cleanup. This rule would apply to all groundwater cleanups in the state under the authority of existing federal and state statutes and rules. A single procedure which applies to all groundwater cleanups for groundwater cleanups has not existed prior to this rule.
5. Groundwater cleanups are normally part of a larger cleanup effort (i.e., soil contamination, etc.).
6. With the exception of the VCP program, it is assumed that the number of the groundwater cleanups to be conducted will not change as a result of this rule.
7. It is assumed that owners and developers of brownfield sites will chose to take advantage of this rule to pursue alternative groundwater cleanup levels to facilitate cleanup and redevelopment of these sites.
8. It is estimated that there will be an additional 20-25 new sites a year with groundwater contamination entering the VCP as a result of this rule. It is further estimated that at least 10 of these sites will be private industrial or commercial properties.
9. The costs to perform groundwater cleanups can range from approximately \$10,000 to hundreds of thousands, or even millions of dollars depending on the extent of the groundwater contamination, nature of the pollutants, etc. The cleanup costs are dependent on many factors including the extent of contamination, type of contaminants, existing groundwater quality, etc.
10. For those sites where the department allows alternative cleanup levels, there could be a savings to the entity conducting the cleanup.
11. It is expected that many sites with groundwater contamination will pursue alternative cleanup levels in accordance with this rule to remediate the site.
12. The cost of compliance could depend on the geographic location of the contaminated site.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 1—Organization

PROPOSED AMENDMENT

10 CSR 70-1.010 Organization. The Soil and Water Districts Commission is adding a new subsection (1)(G).

PURPOSE: The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is in accordance with Senate Bill No. 462, Truly Agreed To and Finally Passed on June 28, 2001. Section 6 was added to State Statute 278.080. The State Statute, along with this proposed rulemaking, was promulgated in order to provide the Soil and Water Districts Commission the authority to grant variances to their rules when strict compliance would cause undue hardship and unreasonable impact on Soil and Water Conservation Districts and Missouri landowners that participate in Soil and Water Conservation practices.

(1) The Soil and Water Districts Commission is a state agency created by section 278.080, RSMo [(1986)] **2000** for the administration of the soil and water conservation districts provided for in sections 278.060–278.300, RSMo (1986). The commission is comprised of five (5) persons and operates with an assigned staff as an agency within the Department of Natural Resources. Its primary responsibility is the determination of policies and procedures to be used by soil and water conservation districts. In addition, the Soil and Water Districts Commission has the authority and responsibility to—

(G) Unless prohibited by any federal or state law, the commission may grant individual variances to Soil and Water Districts Commission rules upon presentation of adequate proof, that compliance with sections 278.070 to 278.300, or any rule or regulation, standard, requirement, limitation or order of the commission will have an arbitrary and unreasonable impact on landowners participating in soil and water conservation eligible practices. In determining under what conditions and to what extent a variance may be granted, the commission shall exercise a wide discretion in weighing the equities involved as well as the advantages and disadvantages in approving or disapproving a request for a variance.

1. The variance request shall:

A. Be in writing;

B. Filed with the program director of the Soil and Water Districts Commission; and

C. Set out reasons the applicant believes a variance should be granted.

2. The burden shall be placed on the applicant of a variance to show the inequities if the variance is not granted.

3. The program director shall promptly investigate the application and make a recommendation to the commission after the application is received as to whether the variance should be granted or denied.

AUTHORITY: sections 278.070.4, 278.080.1, 278.080.5(8) and 278.110.8, RSMo [1986] 2000. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed Jan. 2, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may submit a written statement in support of or in opposition to the proposed

amendment with the Department of Natural Resources, Sarah E. Fast, Director of Staff, PO Box 176, Jefferson City, MO 65102, (573) 751-4932. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
[Division 40—Division of Fire Safety]
Division 10—Adjutant General
[Chapter 4—General Organization]
Chapter 11—State Emergency Management Agency

PROPOSED AMENDMENT

11 CSR [40-4.010] 10-11.210 General Organization Missouri Emergency Response Commission. The director is 1) moving the Missouri Emergency Response Commission from Division 4—Division of Fire Safety, Chapter 4—General Organization MERC to Division 10—Office of Adjutant General, Chapter 11—State Emergency Management Agency, 2) updating current address and telephone numbers, 3) and adding rules clarifying how fees collected by the department and distributed to the LEPCs can be spent.

PURPOSE: This amendment changes the physical location of the Missouri Emergency Response Commission, updates address and telephone number accordingly, adds clarifying rules for spending LEPC fees and rennumbers this rule.

(1) The Department of Public Safety is authorized under sections 292.600–292.625, RSMo to administer the state and the federal Emergency Planning and Community Right-to-Know Act (EPCRA). [The Division of Fire Safety has been designated by statute 292.602 to provide the day-to-day operation of the program.] The State Emergency Management Agency (SEMA) has been designated by the Department of Public Safety to provide the day-to-day operation of the EPCRA Program and the Hazardous Materials Emergency Preparedness (HMEP) Program.

(2) The Missouri Emergency Planning and Community Right-to-Know Act (EPCRA or sections 292.600–292.625, RSMo) and the federal EPCRA (P.L. 99-499) are administered in Missouri by the Missouri Department of Public Safety in conjunction with the Missouri Emergency Response Commission (MERC). MERC was first established in 1987 by Executive Order of the Governor and was later established under statute in 1988 and revised in 1992. The commission resides within the Missouri Department of Public Safety. [Public Safety, Division of Fire Safety provide day-to-day operation of the EPCRA section.] The commission in conjunction with the department is responsible for—

(3) Information.

(A) Requests for copies of rules, report forms, planning guides, and other EPCRA information may be made to the Missouri Emergency Response Commission, PO Box 3133, Jefferson City, MO 65102. [The telephone number during office hours is (314) 526-3901.]

(B) The EPCRA files, except trade secrets, as provided in section 292.610, RSMo, are public information and are located in the offices of the [Division of Fire Safety, 301 West High Street, Truman Building, Room 860] Missouri Emergency Response Commission, 2302 Militia Dr., Jefferson City, Missouri. Anyone wishing to review information in the EPCRA files is requested to make an appointment [by calling (314) 526-3901] by writing to the MERC at the mailing address listed in subsection (3)(A). There is no fee for reviewing file information. There is a copying

fee if copies of file information are made and it must be paid by check or money order.

AUTHORITY: section 292.613, RSMo [Cum. Supp. 1993] 2000. This rule previously filed as 11 CSR 40-4.010. This rule also filed as 10 CSR 24-1.010. Original rule filed Nov. 30, 1983, effective April 12, 1984. Emergency amendment filed Dec. 2, 1992, effective Jan. 1, 1993, expired April 20, 1993. Amended: Filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed Nov. 5, 1993, effective June 6, 1994. Changed to 11 CSR 10-11.210. Amended: Filed Dec. 19, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Emergency Response Commission, PO Box 3133, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
[Division 40—Division of Fire Safety]
Division 10—Adjutant General
[Chapter 4—General Organization MERC]
Chapter 11—State Emergency Management Agency

PROPOSED AMENDMENT

11 CSR [40-4.020] 10-11.220 Definitions. The director is moving the Missouri Emergency Response Commission from Division 4—Division of Fire Safety, Chapter 4—General Organization MERC to Division 10—Office of Adjutant General, Chapter 11—State Emergency Management Agency.

PURPOSE: This amendment changes the physical location of the Missouri Emergency Response Commission, and renumbers this rule.

PURPOSE: This rule provides definitions for terms used in 11 CSR [40]10.

(24) Missouri Tier Two Form [or Tier Two Form] (see 11 CSR [40-4.040] 10-11.240)—the emergency and hazardous chemical inventory form developed by the MERC.

AUTHORITY: section 292.613, RSMo [Cum. Supp. 1993] 2000. This rule previously filed as 11 CSR 40-4.020. This rule also filed as 10 CSR 24-2.010. Original rule filed Nov. 30, 1983, effective April 12, 1984. Emergency amendment filed Dec. 2, 1992, effective Jan. 1, 1993, expired April 30, 1993. Amended: Filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed Nov. 5, 1993, effective June 6, 1994. Changed to 11 CSR 10-11.220. Amended: Filed Dec. 19, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Emergency Response Commission, PO Box 3133, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
[Division 40—Division of Fire Safety]
Division 10—Adjutant General
[Chapter 4—General Organization MGRC]
Chapter 11—State Emergency Management Agency

PROPOSED AMENDMENT

11 CSR [40-4.030] 10-11.230 Emergency Notification of Releases of Hazardous Substances and Extremely Hazardous Substances. The director is moving the Missouri Emergency Response Commission from Division 4—Division of Fire Safety, Chapter 4—General Organization MERC to Division 10—Office of Adjutant General, Chapter 11—State Emergency Management Agency.

PURPOSE: This amendment changes the physical location of the Missouri Emergency Response Commission and renumbers this rule.

PURPOSE: This rule establishes a statewide emergency telephone number to notify Missouri whenever a hazardous substance emergency occurs and specifies the requirements for emergency notification and follow-up written notices in the event of a hazardous substance emergency, the release of a reportable quantity of a hazardous substance and the release of a reportable quantity of an extremely hazardous substance.

(2) Any person required to provide an emergency notification under 11 CSR [40-4.030] 10-11.230(1) shall provide a written follow-up emergency notice (or notices as more information becomes available) to the department and any affected LEPC. This written notice(s) shall contain the information described in 10 CSR 24-3.010(3). Also, written follow-up notice(s) shall be provided to the MDNR upon request of the MDNR.

AUTHORITY: section 292.613, RSMo [Supp. 1993] 2000. This rule previously filed as 11 CSR 40-4.030. Original rule filed Nov. 30, 1983, effective April 12, 1984. Emergency amendment filed Dec. 2, 1992, effective Jan 1, 1993, expired April 30, 1993. Amended: Filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed Nov. 5, 1993, effective June 6, 1994. Changed to 11 CSR 10-11.230. Amended: Filed Dec. 19, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Emergency Response Commission, PO Box 3133, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
[Division 40—Division of Fire Safety]
Division 10—Adjutant General
[Chapter 4—General Organization MERC]
Chapter 11—State Emergency Management Agency

PROPOSED AMENDMENT

11 CSR [40-4.040] 10-11.240 Reporting Procedures Under the State and Federal Emergency Planning and Community Right-to-Know Act (EPCRA). The director is 1) moving the Missouri Emergency Response Commission from Division 4—Division of Fire Safety, Chapter 4—General Organization MERC to Division 10—Office of Adjutant General, Chapter 11—State Emergency Management Agency, 2) updating current address and telephone numbers, 3) deleting an outdated form and adding Internet web site addresses to access current forms.

PURPOSE: This amendment changes the physical location of the Missouri Emergency Response Commission, updates address and telephone number accordingly, deletes the Tier Two form from the Code of State Regulations and renumbers this rule.

(1) The format for routine reporting under */S/*sections 302, 303, 311 and 312 of the federal Emergency Planning and Community Right-to-Know Acts (EPCRA) and sections 292.605 and 292.617, RSMo of the state EPCRA is the Missouri Tier Two form. **This form can be accessed on the Internet at www.sema.state.mo.us/mercc.htm.** These reports are due to the department or postmarked by March 1 annually for the previous calendar year. The state EPCRA requires the names, current addresses and phone numbers of at least two (2) individuals familiar with the kind, location, nature and approximate quantities present in the facility, who may be contacted in the event of an emergency. The federal regulations for reporting under */S/*sections 302 and 303 of the EPCRA are in 40 CFR part 355. Federal regulations for reporting under */S/*sections 311 and 312 of the EPCRA are in 40 CFR part 370.

AUTHORITY: section 292.613, RSMo [Supp. 1993] 2000. This rule also filed as 10 CSR 24-4.010. This rule previously filed as 11 CSR 40-4.040. Emergency rule filed Dec. 2, 1992, effective Jan. 1, 1993, expired April 30, 1993. Original rule filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed Nov. 5, 1993, effective June 6, 1994. Changed to 11 CSR 40-4.040. Amended: Filed Dec. 19, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Emergency Response Commission, PO Box 3133, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
[Division 40—Division of Fire Safety]
Division 10—Adjutant General
[Chapter 4—General Organization MERC]
Chapter 11—State Emergency Management Agency

PROPOSED AMENDMENT

11 CSR [40-4.050] 10-11.250 Hazardous Chemical Fees. The director is 1) moving the Missouri Emergency Response Commission from Division 4—Division of Fire Safety, Chapter 4—General Organization MERC to Division 10—Office of Adjutant General, Chapter 11—State Emergency Management Agency, 2) updating current address and telephone numbers, 3) deleting an outdated form currently in the Code and adding Internet web site addresses to access current forms, and 4) adding rules clarifying how fees collected by the department and distributed to the LEPCs can be spent.

PURPOSE: This amendment changes the physical location of the Missouri Emergency Response Commission, updates address and telephone number accordingly, deletes the Fee Calculation Worksheet form from the Code of State Regulations and adds clarifying rules for spending LEPC fees and renumbers this rule.

PURPOSE: This rule describes the hazardous chemical fee system, how to calculate these fees and when and where to submit them.

(1) Fees for Tier Two forms (see 11 CSR [40-4.020] 10-11.220) are payable at the time Tier Two forms are due, each March 1 for the previous calendar year.

(A) Fees shall be calculated as described in this section. It shall be the **employer's** responsibility to calculate the required fees on the fee calculation worksheet **which can be accessed on the Internet at www.sema.state.mo.us/mercc.htm** and to remit them to the Missouri Emergency Response Commission (MERC) at PO Box 3133, Jefferson City, MO 65102. Family farm operations and local government facilities are exempt from paying fees under this chapter.

(6) Fees collected by the department and all funds provided to local emergency planning committees shall be used for chemical emergency preparedness purposes as outlined in sections 292.600 to 292.625, RSMo and the federal act, including:

- (A) Contingency planning for chemical releases;
- (B) Exercising, evaluating, and distributing plans;
- (C) Providing training related to chemical emergency preparedness and prevention of chemical accidents;
- (D) Identifying facilities required to report;
- (E) Processing the information submitted by facilities and making it available to the public;
- (F) Receiving and handling emergency notifications of chemical releases;
- (G) Operating a local emergency planning committee;
- (H) Providing public notice of chemical preparedness activities.

(7) Local emergency planning committees receiving funds under this section may combine such funds with other local emergency planning committees to further the purposes of sections 292.600 to 292.625, RSMo or the federal act.

(8) The commission shall establish criteria and guidance on how funds received by local emergency planning committees may be used.

(9) No funds provided to the local emergency planning committees under this program shall be used for salaries for full-time employee.

AUTHORITY: section 292.613, RSMo [Supp. 1993] 2000. This rule also filed as 10 CSR 24-5.010. This rule previously filed as 11 CSR 40-4.050. Emergency rule filed Dec. 2, 1992, effective Jan. 1, 1993, expired April 30, 1993. Original rule filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed Nov. 5, 1993, effective June 6, 1994. Changed to 11 CSR 10-11.250. Amended: Filed Dec. 19, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Emergency Response Commission, PO Box 3133, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 4—Agricultural Land Productive Values**

PROPOSED AMENDMENT

12 CSR 30-4.010 Agricultural Land Productive Values

PURPOSE: Pursuant to section 137.021 requirements, the state tax commission proposes that there is no change in the existing agricultural land grades and values. The State Tax Commission proposes to implement the same use values which are in effect to date.

PURPOSE: This rule complies with the requirement of section 137.021, RSMo, to publish a range of productive values for agricultural and horticultural land for the ensuing tax year.

(1) Agricultural Land Grades and Values. The following are definitions of agricultural land grades and the productive values of each:

(A) Grade #1. This is prime agricultural land. Condition of soils is highly favorable with no limitations that restrict their use. Soils are deep, nearly level (zero to two percent (0–2%) slope) or gently sloping with low erosion hazard and not subject to damaging overflow. Soils that are consistently wet and poorly drained are not placed in Grade #1. They are easily worked and produce dependable crop yields with ordinary management practices to maintain productivity—both soil fertility and soil structure. They are adapted to a wide variety of crops and suited for intensive cropping. Use value: nine hundred eighty-five dollars (\$985);

(B) Grade #2. These soils are less desirable in one (1) or more respects than Grade #1 and require careful soil management, including some conservation practices on upland to prevent deterioration. This grade has a wide range of soils and minimum slopes (mostly zero to five percent (0–5%)) that result in less choice of either crops or management practices. Primarily bottomland and best upland soils. Limitations—

1. Low to moderate susceptibility to erosion;
2. Rare damaging overflows (once in five to ten (5–10) years); and
3. Wetness correctable by drainage. Use value: eight hundred ten dollars (\$810);

(C) Grade #3. Soils have more restrictions than Grade #2. They require good management for best results. Conservation practices are generally more difficult to apply and maintain. Primarily good upland and some bottomland with medium productivity. Limitations—

1. Gentle slope (two to seven percent (2–7%));
2. Moderate susceptibility to erosion;
3. Occasional damaging overflow (once in three to five (3–5) years) of Grades #1 and #2 bottomland; and
4. Some bottomland soils have slow permeability, poor drainage, or both. Use value: six hundred fifteen dollars (\$615);

(D) Grade #4. Soils have moderate limitations to cropping that generally require good conservation practices. Crop rotation normally includes some small grain (for example, wheat or oats), hay, or both. Soils have moderately rolling slopes and show evidence of serious erosion. Limitations—

1. Moderate slope (four to ten percent (4–10%));
2. Grade #1 bottomland subject to frequent damaging flooding (more often than once in two (2) years), or Grades #2 and #3 bottomland subject to occasional damaging flooding (once every three to five (3–5) years);
3. Poor drainage in some cases; and
4. Shallow soils, possibly with claypan or hardpan. Use value: three hundred eighty-five dollars (\$385);

(E) Grade #5. Soils are not suited to continuous cultivation. Crop rotations contain increasing proportions of small grain (for example, wheat or oats), hay, or both. Upland soils have moderate to steep slopes and require conservation practices. Limitations—

1. Moderate to steep slopes (eight to twenty percent (8–20%));
2. Grades #2 and #3 bottomland subject to frequent damaging flooding (more than once in two (2) years) and Grade #4 bottomland subject to occasional damaging flooding; and
3. Serious drainage problems for some soils. Use value: one hundred ninety-five dollars (\$195);

(F) Grade #6. Soils are generally unsuited for cultivation and are limited largely to pasture and sparse woodland. Limitations—

1. Moderate to steep slopes (eight to twenty percent (8–20%));
2. Severe erosion hazards present;
3. Grades #3 and #4 bottomland subject to frequent damaging flooding (more than once in two (2) years), and Grade #5 bottomland subject to occasional damaging flooding (once every three to five (3–5) years); and
4. Intensive management required for crops. Use value: one hundred fifty dollars (\$150);

(G) Grade #7. These soils are generally unsuited for cultivation and may have other severe limitations for grazing and forestry that cannot be corrected. Limitations—

1. Very steep slopes (over fifteen percent (15%));
2. Severe erosion potential;
3. Grades #5 and #6 bottomland subject to frequent damaging flooding (more than once in two (2) years);
4. Intensive management required to achieve grass or timber productions; and

5. Very shallow topsoil. Use value: seventy-five dollars (\$75);

(H) Grade #8. Land capable of only limited production of plant growth. It may be extremely dry, rough, steep, stony, sandy, wet or severely eroded. Includes rivers, running branches, dry creek and swamp areas. The lands do provide areas of benefit for wildlife or recreational purposes. Use value: thirty dollars (\$30); and

(I) Definitions. The following are definitions of flooding for purposes of this rule:

1. Damaging flooding. A damaging flood is one that limits or affects crop production in one (1) or more of the following ways:
 - A. Erosion of the soil;
 - B. Reduced yields due to plant damage caused by standing or flowing water;
 - C. Reduced crop selection due to extended delays in planting and harvesting; and
 - D. Soil damage caused by sand and rock being deposited on the land by flood waters;
2. Frequent damaging flooding. Flooding of bottomlands that is so frequent that normal row cropping is affected (reduces row crop selection); and
3. Occasional damaging flooding. Flooding of bottomland that is so infrequent that producing normal row crops is not compromised in most years.

(2) Forest Land and Horticultural Land. The following prescribes the treatment of forest land and horticultural land:

(A) Forest land, whose cover is predominantly trees and other woody vegetation, should not be assigned to a land classification grade based on its productivity for agricultural crops. Forest land of two (2) or more acres in area, which if cleared and used for agricultural crops, would fall into land grades #1–#5 should be placed in land grade #6; or if land would fall into land grades #6 or #7 should be placed in land grade #7. Forest land may or may not be in use for timber production, wildlife management, hunting, other outdoor recreation or similar uses; and

(B) Land utilized for the production of horticultural crops should be assigned to a land classification grade based on productivity of the land if used for agricultural crops. Horticultural crops include fruits, ornamental trees and shrubs, flowers, vegetables, nuts, Christmas trees and similar crops which are produced in orchards, nurseries, gardens or cleared fields.

AUTHORITY: section 137.021, RSMo [Supp. 1999] 2000. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 28, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: Because this proposed amendment does not change the use value per acre placed on agricultural land, the assessed value of agricultural property remains the same, therefore there will be no increased cost to private entities as a result of this proposed amendment.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Rosemary Kaiser, Administrative Secretary, State Tax Commission of Missouri, PO Box 146, Jefferson City, MO 65102, (573) 751-2414. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 51—Broker-Dealers, Agents, Investment
Advisers, and Investment Adviser Representatives

PROPOSED RULE

15 CSR 30-51.180 Exclusions from Definition of Broker-Dealer, Agents, Investment Advisers, and Investment Adviser Representatives

PURPOSE: This rule prescribes the persons that are excluded from the definition of broker-dealer, agent, investment adviser, and investment adviser representative.

(1) Broker-Dealer.

(A) Canadian—United States Cross-Border Trading Exclusion. A person who is a resident of Canada and who has no office or other physical presence in this state is excluded from the definition of broker-dealer contained in section 409.401(c), RSMo, provided it complies with the following conditions:

1. Registered with or is a member of a self-regulatory organization in Canada, stock exchange in Canada or the *Bureau des services financiers*;

2. Maintains in good standing its provincial or territorial registration and its registration with or membership in a self-regulatory organization in Canada, stock exchange in Canada or the *Bureau des services financiers*; and

3. Effects or attempts to effect transactions in securities:

A. With or for a person from Canada who is temporarily a resident in or visiting this state, with whom the Canadian broker-dealer had a bona fide broker-dealer–client relationship before the person entered this state;

B. With or for a person present in this state, whose transactions are in Canadian self-directed tax advantaged retirement account of which the person is the holder or contributor; or

C. As otherwise permitted by the securities laws of this state.

(2) Agent.

(A) Sellers of Agricultural Cooperatives. An individual who represents an issuer for the purpose of effecting transactions in a security exempted by clause (5) of section 409.402(a), RSMo, and seeks an exception from the definition of agent shall submit the following:

1. Form SE-2, Application for Exception from Definition as Agent for Sellers of Agricultural Cooperatives Securities;

2. Filing of copies of all sales and solicitation material to be used by the applicant; and

3. Filing of copies of any agreements between the issuer and the applicant regarding commissions or other remuneration to be received for effecting transactions in the previously mentioned securities.

AUTHORITY: sections 409.401(b) and (c)(5) and 409.413(a), RSMo 2000. Original rule filed Dec. 28, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions

PROPOSED RULE

15 CSR 30-54.290 Canadian—United States Cross-Border Trading Exemption

PURPOSE: This rule prescribes transactions exempted pursuant to section 409.402(c), RSMo, for Canadians who are temporarily a resident in or visiting this state and persons in the state who are holders of or contributors to Canadian self-directed tax advantaged retirement accounts.

(1) Any offer or sale of a security effected by a Canadian broker-dealer excluded from definition of broker-dealer pursuant to 15 CSR 30-51.180 is exempted from the securities registration requirements of section 409.301, RSMo.

AUTHORITY: section 409.402(c) and 409.413, RSMo 2000. Original rule filed Dec. 28, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 5—Wildlife Code: Permits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.550 Nonresident Firearms Deer Hunting Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1891-1892). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two comments were received from the public through telephone contact and e-mail.

COMMENT: Todd Gillison, Washington, MO and John Hake, Pittsboro, IN stated that nonresident hunting fees were too high and that it would prohibit them and others from hunting in Missouri.

RESPONSE: Comments were shared with the Missouri Conservation Commission for consideration. The rule was changed in the proposed amendment to reflect fees that will bring parity to nonresident hunting fees in other states. The

Conservation Commission believes the fee structure to be equitable, therefore no revision to the published fee structure will be made.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 5—Wildlife Code: Permits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1893-1894). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two comments were received from the public through telephone contact and e-mail.

COMMENT: Todd Gillison, Washington, MO and John Hake, Pittsboro, IN stated that nonresident hunting fees were too high and that it would prohibit them and others from hunting in Missouri.

RESPONSE: Comments were shared with the Missouri Conservation Commission for consideration. The rule was changed in the proposed amendment to reflect fees that will bring parity to nonresident hunting fees in other states. The Conservation Commission believes the fee structure to be equitable, therefore no revision to the published fee structure will be made.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 5—Wildlife Code: Permits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.559 Nonresident Managed Deer Hunting Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1895-1896). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two comments were received from the public through telephone contact and e-mail.

COMMENT: Todd Gillison, Washington, MO and John Hake, Pittsboro, IN stated that nonresident hunting fees were too high

and that it would prohibit them and others from hunting in Missouri.

RESPONSE: Comments were shared with the Missouri Conservation Commission for consideration. The rule was changed in the proposed amendment to reflect fees that will bring parity to nonresident hunting fees in other states. The Conservation Commission believes the fee structure to be equitable, therefore no revision to the published fee structure will be made.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.560 Nonresident Archer's Hunting Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1897-1898). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two comments were received from the public through telephone contact and e-mail.

COMMENT: Todd Gillison, Washington, MO and John Hake, Pittsboro, IN stated that nonresident hunting fees were too high and that it would prohibit them and others from hunting in Missouri.

RESPONSE: Comments were shared with the Missouri Conservation Commission for consideration. The rule was changed in the proposed amendment to reflect fees that will bring parity to nonresident hunting fees in other states. The Conservation Commission believes the fee structure to be equitable, therefore no revision to the published fee structure will be made.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.565 Nonresident Turkey Hunting Permits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1899-1900). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two comments were received from the public through telephone contact and e-mail.

COMMENT: Todd Gillison, Washington, MO and John Hake, Pittsboro, IN stated that nonresident hunting fees were too high and that it would prohibit them and others from hunting in Missouri.

RESPONSE: Comments were shared with the Missouri Conservation Commission for consideration. The rule was changed in the proposed amendment to reflect fees that will bring parity to nonresident hunting fees in other states. The Conservation Commission believes the fee structure to be equitable, therefore no revision to the published fee structure will be made.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.405 General Provisions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2001 (26 MoReg 2075). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the comment period.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.455 is amended.

This amendment relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits

PURPOSE: This amendment adjusts the methods by which turkeys are tagged for transportation.

(2) Turkeys may be possessed or transported only by the taker thereof and only when tagged immediately with the transportation portion of the permit. Detachment of the transportation portion of the permit prior to taking a turkey renders the permit void. During the spring and fall firearms seasons, the taker shall submit these turkeys with head and plumage intact, along with the prescribed hunting permit, for inspection and marking at an established checking station in the county where taken or an adjoining county between the hours of 7:00 a.m. and 3:00 p.m. CDT on the day taken during the spring season and not later than 8:00 p.m. CDT

on the day taken during the fall season. During archery season, the taker shall submit these turkeys with head and plumage intact, along with the prescribed archery permit, for inspection and marking at an established archery checking station within twenty-four (24) hours of the take.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed December 19, 2001, effective **January 1, 2002**.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 165—Board of Examiners for Hearing
Instrument Specialists
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Board of Examiners for Hearing Instrument Specialists under section 346.115.1(7) and (8), RSMo, the board amends a rule as follows:

4 CSR 165-1.020 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1656). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) comment in support of the proposed amendment.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 165—Board of Examiners for Hearing
Instrument Specialists
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Board of Examiners for Hearing Instrument Specialists under section 346.115.1(7), RSMo 2000, the board amends a rule as follows:

**4 CSR 165-2.050 Continuing Education Requirements
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1656–1657). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) comment in support of the proposed amendment.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 165—Board of Examiners for Hearing
Instrument Specialists
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Board of Examiners for Hearing Instrument Specialists under section 346.115.1(7), RSMo 2000, the board amends a rule as follows:

4 CSR 165-2.060 License Renewal is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1657–1658). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received comments from the Missouri Hearing Society.

COMMENT: The board of directors and membership of the Missouri Hearing Society have a long-standing record in support of strong continuing education requirements for license renewal of hearing instrument specialists. The Missouri Hearing Society is in support of increasing the number of required hours of continuing education from 12-15 per year.

RESPONSE: The board previously submitted a proposed amendment to increase the number of continuing education hours to 15, however, the Division of Professional Registration did not recommend this change. The division is conducting a continuing education study to determine if continuing education is a benefit to licensees. Until such study is completed the Division of Professional Registration did not recommend any increases to continuing education hours unless statutorily amended.

COMMENT: The Missouri Hearing Society suggested the board maintain the present requirement that each licensee submit evidence of attendance with their application for renewal since this process worked relatively well. In addition, the Missouri Hearing Society noted that it is unclear under the proposed rule what action might be taken if a license renewal is granted and a subsequent random audit reveals insufficient hours to maintain the license.

RESPONSE: The board has the option each year to audit a percentage of its licensees to determine compliance. At such time the licensee would be required to submit the certificate of attendance for the required reporting period. All renewals are processed by the Division of Professional Registration through a central receiving room. It has been the objective of the division to reduce the amount of paper processed with renewals. According to Section 346.105, RSMo the board would have grounds to discipline said licensee should a random audit reveal insufficient hours.

COMMENT: The Missouri Hearing Society also suggested that each applicant for renewal be required to complete the requisite number of continuing education hours on an annual basis rather than a two (2)-year cycle. This would have the effect of requiring licensees to complete continuing education on an annual basis and thus a better opportunity to keep apprised of changing technologies. It would also not change the reporting process or the random audit process under a two (2)-year license.

RESPONSE: The board took your suggestions under advisement however, it was the decision of the board to not change the proposed amendment.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 10—Utilities**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 392.280 and 393.240, RSMo 2000, the commission withdraws a proposed rescission as follows:

4 CSR 240-10.020 Income on Depreciation Fund Investments is withdrawn.

A notice of proposed rulemaking regarding the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1659). This proposed rescission is withdrawn.

SUMMARY OF COMMENTS: The commission received numerous comments on this proposed rescission. Most of the comments were against rescission of the rule. The comments in opposition to the rescission indicated that the rule was not obsolete, particularly in the case of rate base regulated companies, that rescission would cost private entities more than five hundred dollars (\$500), that how depreciation should be calculated and reflected in the cost of service for gas, electric and water utilities is currently subject to two judicial review proceedings, and that the commission was required to conduct a hearing to address the proposed rescission under section 393.240.1, RSMo, 2000. One commenter from the staff of the commission supported the rescission and one commenter sent a letter in support of the rescission but it was received after the published response time had passed.

RESPONSE: As a result of the majority of these comments, the commission is withdrawing this proposed rule rescission.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 35—Reporting of Bypass and Customer
Specific Arrangements by Telephone Corporations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250, 386.320 and 392.210, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-35.010 Definitions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1659). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received four (4) comments on the proposed rescission.

COMMENT: One commenter sent a letter to the Commission that opposed any elimination of section (7) of 5 CSR 100-200.070.

RESPONSE: This comment was sent to the commission in error because the comment does not refer to the rule that is being rescinded.

COMMENT: One commenter sent a letter in support of the rescission but it was received after the published response time had passed.

RESPONSE: No response is required because the comment was received after the response deadline had passed.

COMMENT: One commenter from Southwestern Bell Telephone and one commenter from the staff of the commission supported the rescission because the rule was no longer applicable.

RESPONSE: The commission agrees.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 35—Reporting of Bypass and Customer
Specific Arrangements by Telephone Corporations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250, 386.320 and 392.210, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-35.020 General Provisions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1659-1660). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received four (4) comments on the proposed rescission.

COMMENT: One commenter sent a letter to the commission that opposed any elimination of section (7) of 5 CSR 100-200.070.

RESPONSE: This comment was sent to the commission in error because the comment does not refer to the rule that is being rescinded.

COMMENT: One commenter sent a letter in support of the rescission but it was received after the published response time had passed.

RESPONSE: No response is required because the comment was received after the response deadline had passed.

COMMENT: One commenter from Southwestern Bell Telephone and one commenter from the staff of the commission supported the rescission because the rule was no longer applicable.

RESPONSE: The commission agrees.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 35—Reporting of Bypass and Customer
Specific Arrangements by Telephone Corporations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250, 386.320 and 392.210, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-35.030 Reporting of Bypass and Customer Specific Arrangements is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1660). No changes have been made in the proposed

rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received four (4) comments on the proposed rescission.

COMMENT: One commenter sent a letter to the commission that opposed any elimination of section (7) of 5 CSR 100-200.070.

RESPONSE: This comment was sent to the commission in error because the comment does not refer to the rule that is being rescinded.

COMMENT: One commenter sent a letter in support of the rescission but it was received after the published response time had passed.

RESPONSE: No response is required because the comment was received after the response deadline had passed.

COMMENT: One commenter from Southwestern Bell Telephone and one commenter from the staff of the commission supported the rescission because the rule was no longer applicable.

RESPONSE: The commission agrees.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.287 and 209.292, RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.010 General Organization is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1660). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.287, 209.292 and 209.295(8), RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.010 General Organization is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1660-1661). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received but the Commission is not revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: Three identical letters stated "I am opposed to this rule. If the MCD is the agency that acts as a filter for the Governor to recommend individuals for the BCI, than [sic] there can and will be prejudices. The applications of interest for the BCI should be directly submitted to the Governor's office or to the MCD and the Governor should review all applicants before the appointment is made."

RESPONSE: The legislature mandated that the members of the BCI "shall be appointed by the governor with the advice and consent of the senate from a list of recommendations from the commission (209.287(2), RSMo 2000)." Given that statutory law mandates that MCD serve as a screening agency for appointments to the BCI, we cannot abrogate statutory law by administrative rule, for any administrative rule that is contrary to statutory law is null and void. No changes have been made to the rule as a result of this comment.

COMMENT: Three identical letters stated "I am opposed to this rule. The majority of the states in the United States accept RID, NAD certification. Missouri should accept those avenues of certification as well. If revised it should read that RID and NAD certifications would be accepted." Similarly, an additional commenter stated that the law should be changed "to include that Missouri will fully recognize National Registry of Interpreters for the Deaf (RID)) and National Association of the Deaf (NAD) certifications. 'Recognize' meaning: The holder of an RID CI, CT, CI/CT, CSC, or CDI or NAD LEVEL 3, 4, or 5 certification may go directly to the licensing office for a valid license to work. This is different from the current conversion rule where a candidate applies to the MCD to have an NAD or RID certificate 'changed' to be merged into some level of MICS based on a criteria."

RESPONSE: The legislature created the BCI and mandated that it "shall issue the certificates, bearing the signature of the executive director, necessary to qualify for a license to interpret (209.292.1 (2), RSMo 2000)." It further stipulated that the BCI shall, with the approval of the Commission, "develop a conversion system and policy for accepting other certification systems into the certification offered by the Missouri commission for the deaf (209.292.1(9), RSMo 2000)." Furthermore, the law that created the State Committee of Interpreters indicates that each applicant that applies for a license "must submit to the committee verification from the Missouri Commission for the Deaf that the applicant has achieved the appropriate certification to qualify for licensure (209.323(4) RSMo, 2000)." The intent of the legislature was clearly that all applicants for a license to interpret in Missouri

must be certified in the Missouri Interpreter Certification System and be certified by the Missouri Commission for the Deaf. We cannot abrogate the intent of statutory law by passing a contrary administrative rule, for any administrative rule that conflicts with statutory law is null and void. No changes have been made to the rule as a result of this comment.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(11), 209.295(8), and 209.305, RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.030 Missouri Interpreter Certification System is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1661). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292.1(2) and (11), 209.295(8), and 209.305, RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1661-1662). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the Commission is revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment

all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: One comment indicated that "The State Committee of Interpreters is in support of this proposed rule change. Nonrenewable certifications which are valid for three (3) years from the date of issue are appropriate for the Apprentice and Novice levels. Three (3) years is a sufficient length of time to attain the training and experience required to obtain a higher level of certification. However, due to the limited scope of work available at these levels of certification which leads to limited practical experience, continued skill development cannot be guaranteed through additional training and participation in a certification maintenance program. Consequently, interpreters with Apprentice and Novice certifications should be re-tested in order to verify skill levels and obtain valid certification."

RESPONSE: Thank you for your support.

COMMENT: Three identical letters stated "I am opposed to this rule. The majority of the states accept RID and NAD certification. Missouri should accept those avenues of certification." Another commenter stated "Remove: '(1) Any individual who practices interpreting in the state of Missouri ... must be certified in the Missouri Interpreter Certification System (MICS).' Add: Certified by a National Certifying organization, National Registry of Interpreters for the Deaf, R.I.D." And another commenter stated that the law should be changed "to include that Missouri will fully Recognize National Registry of Interpreters for the Deaf (RID)) and National Association of the Deaf (NAD) certifications. 'Recognize' meaning: The holder of an RID CI, CT, CI/CT, CSC, or CDI or NAD LEVEL 3, 4, or 5 certification may go directly to the licensing office for a valid license to work. This is different from the current conversion rule where a candidate applies to the MCD to have an NAD or RID certificate 'changed' to be merged into some level of MICS based on a criteria."

RESPONSE: The legislature created the BCI and mandated that it "shall issue the certificates, bearing the signature of the executive director, necessary to qualify for a license to interpret (209.292.1 (2), RSMo 2000)." It further stipulates that the BCI shall, with the approval of the Commission, "develop a conversion system and policy for accepting other certification systems into the certification offered by the Missouri commission for the deaf (209.292.1(9), RSMo 2000)." Furthermore, the law that created the State Committee of Interpreters indicates that each applicant that applies for a license "must submit to the committee verification from the Missouri commission for the deaf that the applicant has achieved the appropriate certification to qualify for licensure (209.323(4) RSMo, 2000)." The intent of the legislature was clearly that all applicants for a license to interpret in Missouri must be certified in the Missouri Interpreter Certification System and be certified by the Missouri Commission for the Deaf. We cannot abrogate the intent of statutory law by passing a contrary administrative rule, for any administrative rule that conflicts with statutory law is null and void. No changes have been made to the rule as a result of this comment.

COMMENT: With respect to section (3)(A), three identical letters stated that "I am in support of this rule change, but it needs to be more specific and also more information needs to be given to the applicant. The interpreters should be allowed to know what categories to prepare for and the percentage needed to pass the written test."

RESPONSE: The Commission agrees that the specific percentage of correct answers that is necessary to pass the written test should be included in the rules, and we have inserted that information in rule 5 CSR 100-200.060. While we are in agreement in principle that all interpreter applicants should be informed ahead of time regarding the categories of information they need to be prepared for when taking the written examination, we disagree that these should be specified by rule. Rather, after these revised rules become effective, MCD will develop a new "Interpreters Manual" which will discuss in detail the content of the written test and give sample questions. Given that the specific content of the written test may need to vary from time to time, it would be unwise to specify content in a rule thus making it a long and difficult process to change. No changes have been made to the rule as a result of this comment.

EXPLANATION OF CHANGE: Although no specific comment was received regarding this matter, the Commission notes that the first sentence of section (5) in the proposed rule more appropriately belongs in section (4). Thus, that sentence has been moved and is now the last sentence in section (4). Furthermore, sections (5) and (6) have been reworded as a necessary result of comments submitted regarding other rules. In particular, section (5) defines three new MICS certifications, those being the RCED (K-6), RCED (7-12) and RCED (General), and section (6) makes it clear that with only two exceptions all MICS certifications are subject to renewal annually.

5 CSR 100-200.030 Missouri Interpreter Certification System

(4) The performance evaluation is the measurement tool used to analyze the performance test and determine the applicant's ability to facilitate communication between deaf or hard of hearing people and persons who are hearing by means of one or more of the skills detailed in subsection (3)(B) above. The MICS performance evaluation standards shall be based upon the testing materials used.

(5) The types and levels of interpreter certification granted by the MICS are Novice, Apprentice, Intermediate, Advanced, Comprehensive, Restricted Certification in Education (K-6), Restricted Certification in Education (7-12), Restricted Certification in Education (General) and the Intern/Practicum Certification.

(A) The Novice and Apprentice certifications are issued for terms of three (3) years.

(B) The Intern/Practicum Certification is issued for a term specified pursuant to 5 CSR 100-200.085.

(C) All other certifications are permanent.

(6) All MICS certifications are subject to renewal annually pursuant to 5 CSR 100-200.125, provided that the holder commits no violation of any provision of the *Revised Statutes of Missouri* or the *Missouri Code of State Regulations* pertaining to interpreter certification or Licensure, with the following exceptions:

(A) The Intern/Practicum Certification;

(B) When the three (3)-year term of a Novice or Apprentice certification expires on or before the annual renewal date.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(1) and 209.295(1) and (3), RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.040 Restricted Permit in Education is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1662). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(1), and 209.295(1), (3) and (8), RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1662). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the Commission is revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: The Division of Special Education of the Department of Elementary and Secondary Education stated that "We believe this rule needs to provide for something other than an 'Intermediate Certification' level for school settings. Instead, we believe certification for the elementary school setting and secondary setting need to be provided for in addition to the Intermediate Level which should apply to post-secondary institutions such as junior colleges, technical institutes, colleges, universities, and professional schools. These also need to be reflected in the Skill Level Standards (5 CSR 100-200.170) for Education Setting and the Missouri Interpreter Certification System rule references to levels of interpreter certification (5 CSR 100-200.030(5))."

These changes in the proposed rules would allow for the recognition, in the conversion procedures provided for in 5 CSR 100-200.100, of the 'Educational Interpreters Performance Assessment' (EIPA), which evaluates the specialized skills of interpreters working in public school settings. The EIPA allows for assessment in the elementary setting or secondary setting, and allows for choice by the interpreter of ASL, PSE, and SEE II. The result is a score which provides a measure of an educational interpreter's abilities. MCD could then convert the scores and certify the interpreter under the Restricted Certificate in Education as either Elementary Level, or Secondary Level, and use the Intermediate Level for post-secondary settings. An endorsement identifying ASL, PSE, or SEE II, would benefit consumers and ensure students were provided interpreter services pursuant to their Individualized Education Program (IEP) requirements."

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that there is a need for additional certification options for interpreters working in grades K-12. Deaf and hard of hearing children in the public elementary and secondary schools are covered by the Individuals with Disabilities Education Act (IDEA) which requires the development of an Individualized Education Program (IEP) for such children, and the MICS needs to provide options that can better ensure that IEP mandates are being met. Providing for three new certifications, RCED (K-6), RCED (7-12) and RCED (General), with appropriate communication mode endorsements, and changing the conversion rule (5 CSR 100-200.100) so as to allow for the development of automatic conversion tables from other certification systems, such as the Educational Interpreters Performance Assessment (EIPA), will accomplish those needed changes. Section (1) provides for these three new certifications. Section (2) indicates how these new certifications can be obtained. And section (5) has been added to make it clear that a person may obtain more than one RCED if they so choose.

COMMENT: Two commenters indicated that an interpreter with an RCED, which represents only an Intermediate certification level, should not be interpreting for deaf and hard of hearing children at the elementary school level because those children may not have the necessary English language comprehension to effectively use an interpreter with only limited skills. Thus those children will be behind grade-level in their reading and writing skills. A similar comment stated that "The standard of an intermediate certification is set too low for elementary and secondary educational settings, due to the fact that they are not proficient in the language."

RESPONSE: The Commission agrees that very young deaf and hard of hearing children may often be language deficient and critically need special services for the development of grade-level language skills. However, meeting those needs is not the responsibility of the MICS. Rather those needs must be specified in the child's IEP, and then appropriate interpreter skills identified to help meet those needs. While we are completely sympathetic with the desire for elementary school children with underdeveloped language skills to receive competent interpreter services, we disagree that interpreters with Intermediate certification are categorically unable to provide competent services and thus should not be allowed to interpret in elementary school settings. The important thing is that the interpreter's skills match the child's needs as legally mandated in their IEP, and we will be helping to ensure that by creation of an RCED (K-6), RCED (7-12), and RCED (General), with communication mode endorsements. No changes have been made to the rule as a result of this comment.

COMMENT: Two commenters indicated that the RCED should not be allowed in postsecondary settings. One said "If you put Interpreter from RCED on Intermediate level who interpreting at college level would not be qualified at all. It should be just good

enough and Deaf/HOH would suffer by missing a lot of critical issues in class." The other stated that "These two certificate holders, RCED and Intermediate, possess the minimum level of competency. They could also be at the minimum in eligibility to be tested—age 18 and hold a high school diploma or GED. How is a high school graduate that is 18 or 19 years old, holds an RCED qualified to interpret in a college Math class? A graduate school Statistics class? Law School? A psychological testing situation for a student in a Tech school? They are not. They do not possess the cultural knowledge, specialized sign language vocabulary, to name a few skills necessary to succeed in these arenas." Still another commenter "would strongly urge caution to be exercised in regards to using level three/intermediate certified interpreters for some higher level classes: masters, doctorate, graduate school, law school."

RESPONSE AND EXPLANATION OF CHANGE: The Commission is persuaded that the RCED should continue to be acceptable only in grades K-12 and not extended into postsecondary settings. In grades K-12 services are mandated by the IEP process, and the creation of new certifications RCED (K-6), RCED (7-12), and RCED (General), with communication mode endorsements, will help ensure that IEP mandates concerning communication are being fulfilled and help enable consumers to hold school administrators accountable for providing IEP mandated interpreters.

On the other hand, colleges, universities, and professional schools are dealing with young adults who are better equipped to assert their needs themselves, and to seek appropriate remedies if they are not provided with a "qualified interpreter" as defined by the regulations of the U.S. Department of Justice. In addition, by the time a deaf or hard of hearing student who needs interpreter support enters college, they generally have developed flexible receptive signing skills and are no longer tied to a specific signing system, such as SEE II, and their needs should be adequately met by most interpreters with Intermediate, Advanced or Comprehensive certification. However, advanced vocabulary and signing skills will often be required in postsecondary educational settings in order for an interpreter to accurately convey the content of classes taught in those settings. For that reason we agree that interpreters with only Intermediate certifications should always use caution before working in those settings and, as required by Missouri law, limit their practice to "demonstrated areas of competence as documented by relevant professional education, training, experience and certification" (209.321(3), RSMo 2000). Thus, section (1) has been modified to delete references to postsecondary settings.

COMMENT: Three identical letters stated "I am opposed to this rule change. The applicant must be proficient in both transliterating and ASL. The students that would utilize interpreters in an educational setting could be an ASL or Signed English user. Therefore, it must be mandated that the interpreters be proficient in both."

RESPONSE: Educational interpreters who work in the public elementary and secondary schools generally are hired to work all year with the same consumer. They usually don't provide services to a wide variety of consumers with diverse communication skills. Rather, they are hired to fit the specific requirements of a student's IEP, and generally only provide one communication mode for their assigned student. So, having a certification based on only one communication mode, as is the case with the RCED, is reasonable for educational interpreters in grades K-12. No changes have been made to the rule as a result of this comment.

COMMENT: "If RCED is equivalent to the Intermediate level certification, why is this certification needed?"

RESPONSE: By creating an RCED (K-6), RCED (7-12), and RCED (General), with communication mode endorsements, the Commission will be helping to ensure that the mandates of a student's IEP are being carried out as they concern interpreting services in elementary and secondary educational settings. No changes have been made to the rule as a result of this comment.

COMMENT: "Even though I support the Deaf Community and the use of American Sign Language 85% of the time, there IS a need for other modes of communication. Others may be different, but that doesn't make them wrong."

RESPONSE AND EXPLANATION OF CHANGE: It is very true that there are diverse communication needs among persons who are deaf and hard of hearing. The creation of an RCED (K-6), RCED (7-12), and RCED (General), with communication mode endorsements, recognizes this diversity and will help to ensure that interpreting services provided in public schools meet students' IEP mandates. Section (3) has been added to clarify the different communication modes in which an RCED holder can demonstrate competence.

5 CSR 100-200.040 Restricted Certification in Education

PURPOSE: This rule outlines how individuals may be granted a Restricted Certification in Education which will allow the holder to interpret only in elementary and secondary educational settings.

(1) The Restricted Certification in Education (RCED) shall be issued in one (1) of three (3) different formats, an RCED (K-6), RCED (7-12), and RCED (General).

(A) The RCED (K-6) shall be valid only for interpreting in kindergarten through grade six (6) as set forth in 5 CSR 100-200.170.

(B) The RCED (7-12) shall be valid only for interpreting in grades seven through twelve (7-12) as set forth in 5 CSR 100-200.170.

(C) The RCED (General) shall be valid for interpreting in kindergarten through grade twelve (12) as set forth in 5 CSR 100-200.170.

(2) An RCED may be obtained in one (1) of the following ways:

(A) An RCED (K-6) can be obtained only by conversion pursuant to rule 5 CSR 100-200.100;

(B) An RCED (7-12) can be obtained only by conversion pursuant to rule 5 CSR 100-200.100;

(C) An RCED (General) can be obtained only through performance testing in the Missouri Interpreter Certification System (MICS) as set forth in 5 CSR 100-200.070.

(3) All RCED certificates shall be issued with an appropriate endorsement showing the communication mode in which the recipient is qualified. The communication mode endorsement shall be one (1) of the following:

- (A) American Sign Language (ASL);
- (B) Pidgin Signed English (PSE);
- (C) Signing Exact English II (SEE II).

(4) The RCED (General) shall be given based on the applicant's ability to meet the minimum criteria for the Intermediate Certification level in either:

(A) Interpreting from spoken English to American Sign Language and from American Sign Language to spoken English; or

(B) Transliterating from spoken English to an English-based sign system, such as PSE or SEE II, and from an English-based sign system to spoken English.

(5) An applicant may obtain more than one (1) RCED, with different formats and/or communication mode endorsements, but for each RCED the applicant must submit a new application, pay the

appropriate fee(s), and, if required, take the appropriate performance test.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf

Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under section 209.295(1), RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.050 Application for Missouri Interpreter Certification is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1662-1663). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf

Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(1), and 209.295(1) and (8), RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.050 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1663). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the Commission is revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: One person commented that interpreters should not have to convert RID certification, but rather "Provide proof of current national certification from R.I.D., full recognition of all N.R.I.D. certificates." Similarly, another person commented "I strongly urge RID/NAD certifications to be accepted in Missouri. It is very restrictive to not allow those moving into the state with these nationally recognized and reputable certifications to be denied an equitable level in Missouri since no conversion policy is in effect here."

RESPONSE: The legislature created the BCI and mandated that it "shall issue the certificates, bearing the signature of the executive director, necessary to qualify for a license to interpret (209.292.1(2), RSMo 2000)." It further stipulates that the BCI shall, with the approval of the Commission, "develop a conversion system and policy for accepting other certification systems into the certification offered by the Missouri commission for the deaf (209.292.1(9), RSMo 2000)." Furthermore, the law that created the State Committee of Interpreters indicates that each applicant that applies for a license "must submit to the committee verification from the Missouri commission for the deaf that the applicant has achieved the appropriate certification to qualify for licensure (209.323(4), RSMo 2000)." The intent of the legislature was clearly that all applicants for a license to interpret in Missouri must be certified in the Missouri Interpreter Certification System and be certified by the Missouri Commission for the Deaf. We cannot abrogate the intent of statutory law by passing a contrary administrative rule, for any administrative rule that conflicts with statutory law is null and void.

However, the Commission is sympathetic with the desire to make it quick and easy for out of state interpreters to come to Missouri and join our pool of working interpreters. The changes that have been made in the conversion rule (5 CSR 100-200.100) will allow us to develop conversion tables that will provide for fairly immediate and automatic conversion from other state and national certifications, such as NAD, RID, and the EIPA, to MICS certification. No changes have been made to the rule as a result of this comment.

EXPLANATION OF CHANGE: Subsection (5)(B) has been changed to refer to an RCED (General) given that the RCED will be available in three different formats.

5 CSR 100-200.050 Application for Interpreter Certification in Missouri

(5) The completed application must clearly describe the applicant's intent to:

- (A) Obtain a standard MICS certification through written and performance testing;
- (B) Obtain a Restricted Certification in Education (General) through written and performance testing;
- (C) Obtain an Intern/Practicum Certification; or
- (D) Convert certification.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(1) and 209.295(8), RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.060 Written Examination is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1663). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(1), and 209.295(8), RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.060 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1663-1664). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the Commission is revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: "In order to ensure the accountability, defensibility, and the standardization of the written test, the State Committee of Interpreters recommends that the passing score which has already been identified and publicized in other documents be clearly identified in the rule."

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that the passing criteria (85% correct or

better) should be included, and we have now included that in section (7).

COMMENT: Three identical letters stated "I am in support of this rule with the exception that the language is too vague. Test dates need to be standardized. What does feasible mean?"

RESPONSE: Only newcomers to the Missouri Interpreter Certification System take the written test. Those are either ITP students or interpreters who have moved to Missouri from another state. If we were to standardize test dates and give the test only a certain number of times during the year, those individuals would lose the almost total flexibility that the system now offers them. Instead of being able to take the written test as soon as they desire, they might have to wait several months until the next scheduled test date, and that would not be to their benefit.

Similarly, by offering tests "as often as feasible, but no less than two (2) times a year" we retain the ability to offer group tests at proctor sites on an "as needed" basis, a benefit which applicants would lose if we were to standardize test dates and limit the test to a certain number of times per year. No changes have been made to the rule as a result of this comment.

COMMENT: Three identical letters stated "I am in support of this rule with the exception that the language is too vague. Test dates need to be standardized. 'What is reasonable prior notice?'"

RESPONSE: The phrase "reasonable prior notice" allows for maximum flexibility to meet individual needs and circumstances. If we were to specify a particular number of days, e.g., two days, the number might be viewed by some people as arbitrary. And if a situation came up that exceeded the specified number of days because of good reason, then MCD would have to either violate the rule or engage in the enforcement of the rule even though there were good reasons for the failure to appear for the test. No changes have been made to the rule as a result of this comment.

COMMENT: Three identical letters stated "I am in support of this rule with the exception that the language is too vague. Test dates need to be standardized. 'When are the applicants going to be notified?' There should be a timeline 30 days, 60 days . . . to get the results, but this language is so that it could be 6 months before results are given and the applicants are able to work." Another commenter stated that all applicants should be "notified in writing of written test results within 30 days of taking the test."

RESPONSE: For applicants taking the written test at the MCD office, the tests are scored and the results are communicated to them within a matter of minutes after finishing the test. For applicants who take the test in a group at a remote proctor site, the tests need to be mailed to the MCD office for scoring, and results are communicated to applicants immediately thereafter. Written test results have always been communicated to applicants at most within a matter of days. No changes have been made to the rule as a result of this comment.

COMMENT: "Would it be feasible for all BCI members to have the necessary education and skills to provide the functions of this rule?"

RESPONSE: The necessary qualifications of the members of the BCI are specified by statute (209.287(2), RSMo 2000). In the past, the BCI has included people with a variety of educational backgrounds and skills. More importantly, however, the BCI has the authority to spend moneys from the BCI fund to obtain any resources necessary for the administration of the MICS. No changes have been made to the rule as a result of this comment.

5 CSR 100-200.060 Written Test

(7) All applicants must have a passing score of eighty-five percent (85%) correct or better on the written test in order to qualify for taking the performance test.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.295(8) and 209.299, RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.070 Performance Evaluation is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1664). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.295(8) and 209.299, RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.070 Performance Test and Evaluation is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1664-1665). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received but the Commission is not revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: Three identical letters asked "Why must 30 days advance notice be given?"

RESPONSE: Thirty (30) days advance notice must be given in order to ensure that a qualified staff person will be in the office to administer the performance test when an applicant shows up. In other words, the advance notice requirement is there to ensure that applicants don't make a "wasted trip" only to find that when they just "showed up" the MICS Coordinator was "out of town" or "on vacation." This notice requirement is basically for the protection of the applicants. As the scheduling queue may be several weeks long, the thirty (30)-day notice requirement does not pose any additional obstacles to applicants nor delay any further their actual testing dates. Furthermore, we do not view this as an unreasonable waiting period. Some professions give certification tests only once a year, and applicants may have to wait as long as eleven (11) months before testing. No changes have been made to the rule as a result of this comment.

COMMENT: Three identical letters stated "I am in support of this rule with the exception that the language is too vague. Test dates need to be standardized. What is reasonable prior notice?"

RESPONSE: The phrase "reasonable prior notice" allows for maximum flexibility to meet individual needs and circumstances. If we were to specify a particular number of days, e.g., two days, the number might be viewed by some people as arbitrary. And if a situation came up that exceeded the specified number of days because of good reason, then MCD would have to either violate the rule or engage in the enforcement of the rule even though there were good reasons for the failure to appear for the test. No changes have been made to the rule as a result of this comment.

COMMENT: Three identical letters stated "This needs to be more specific. When will the applicants be notified? The interpreters need timelines so they can plan ahead for their career and such." Two other commenters stated that results should be "provided within 90 (ninety) days." One other commenter stated that "I believe an interpreter shouldn't have to wait more than sixty days for their test results."

RESPONSE: By law, all MICS evaluators "shall serve without compensation" (209.292(2), RSMo 2000). Given that MCD is dependent upon the services of volunteer evaluators, we have almost no control over when the evaluation of a particular performance tape will be completed. No changes have been made to the rule as a result of this comment.

COMMENT: Three identical letters stated "The applicants should also be allowed to know what they would be tested on for the performance test. They should be allowed to see the actual form the evaluators use to score with. We are not trying to trick anybody. It should be very straight forward. This is a skilled-based test, they either have it or they don't."

RESPONSE: The Commission agrees that more information should be available to applicants regarding the nature of the performance test, including the factors upon which they will be evaluated. After these rules become effective we will develop a new "Interpreters Manual" detailing this information for applicants. However, as the actual scoring form may well need to be modified from time to time, it would be imprudent to lock its contents into an administrative rule that would require a lot of time to change. No changes have been made to the rule as a result of this comment.

COMMENT: Three identical letters stated "The applicants should be allowed to apply to take test 4-5 and not test 1-3 if they chose

to do so. With MICS being so behind on getting results out to the applicants, this would help alleviate some of the backlog. The applicant should have a choice of which level of tapes they want to be tested on either tapes 1-3 or tapes 4-5."

RESPONSE: In theory the Commission is sympathetic with the idea that applicants should be allowed to choose the level of performance test that they want to take. However, the practical problem is what would we do if a person elected to take a 4-5 test and "failed." They would not get an Intermediate certification as they had not demonstrated that level of skill (85% on 1-3 tape), so we would be left with no alternative but to give them "nothing." We don't think interpreters want to take that risk, and changing to a structure that would allow it to happen would not be desirable. No changes have been made to the rule as a result of this comment.

COMMENT: "The education and skills needed to provide the function may be beyond the scope of the BCI members. To provide the education and training for the members would be a very costly and time consuming undertaking."

RESPONSE: The necessary qualifications of the members of the BCI are specified by statute (209.287(2), RSMo 2000). In the past, the BCI has included people with a variety of educational backgrounds and skills. More importantly, however, the BCI has the authority to spend moneys from the BCI fund to obtain any resources necessary for the administration of the MICS. No changes have been made to the rule as a result of this comment.

COMMENT: "Would MCD have enough highly trained evaluators who would and could be available for evaluations and the results to be provided in a timely manner?"

RESPONSE: As of the time of this writing, MCD has managed to reduce what once was a seven (7)-month waiting period to receive notification of performance test results to normally less than a ninety (90)-day waiting period with our current pool of evaluators. During the summer of 2001 we had three evaluator training sessions involving more than fifteen potential new evaluators, and we are optimistic that we will be able to expand our pool of evaluators even further in the near future. No changes have been made to the rule as a result of this comment.

COMMENT: Two comments were submitted objecting to the deletion from the old rule the sentence that said "The evaluators will inform the applicant of his/her score after the evaluation." These two comments asserted that MCD had been violating the law by not giving interpreters their scores. These two comments further objected to the omission of the requirement to provide interpreters with feedback regarding their performance test.

RESPONSE: The historical interpretation of the law, rules, and policy regarding giving interpreters their "score" has been mixed, confusing, and subject to some controversy. However, we intend to fully honor the law in this area as we understand it. The law says that "As soon as possible after completion of an evaluation, the coordinator shall notify the applicant of his score and level of certification (209.299, RSMo 2000)." Careful note should be made of the fact that the word "score" is singular, not plural. That being the case, it has historically been the practice of MCD to interpret the word "score" to be the same as "level" (which is also singular). However, we certainly understand the position that these two words may refer to different concepts. In order to honor the fact that there are different interpretations of this provision in the law, and to provide maximum information to applicants for certification, effective immediately MCD will provide interpreters with both the score that determined their level of certification and their level of certification when we notify them of their performance test results.

On the other hand, the law (209.285 to 209.339, RSMo 2000) doesn't require that MCD provide "feedback" to interpreter applicants. Rather, that practice was established by administrative rule

(5 CSR 100-200.070), and thus the rule can be changed as we have proposed. The practice of providing feedback worked reasonably well when MCD did live evaluations and could give feedback that was a consensus of the group of evaluators. When MCD stopped doing live evaluations, giving group feedback became more problematic.

The law requires us to certify interpreters, i.e., to publicly attest to their level of interpreting skill, and that is an assessment activity. We are not mandated to provide feedback, which is a diagnostic activity. By adding mentorship as an approved activity for earning CEUs in rule 5 CSR 100-200.130, we have added an activity that can be used by interpreters to obtain timely, effective and ongoing diagnostic feedback if desired. No changes have been made to the rule as a result of this comment.

COMMENT: "Applicants may schedule a performance test when slots are available and there is no backlog of tapes waiting to be evaluated."

RESPONSE: To restrict the scheduling of performance tests to only when "there is no backlog of tapes waiting to be evaluated" is in principle perhaps a worthy goal. In practice, however, to do so is simply unrealistic given that many people will disagree on what constitutes a "backlog." We must schedule performance tests in such a way that the waiting period for results is "acceptable." We are now notifying people of their performance test results normally within ninety (90) days of their test, and we view that as acceptable. No changes have been made to the rule as a result of this comment.

COMMENT: "Due to limited numbers of evaluators, tapes become backlogged when applicants are simply allowed to come in and test. It could take in excess of 6 months to review these tapes. To limit the pressure on the MCD staff, limit the number of tapes to be evaluated to avoid crisis."

RESPONSE: MCD has managed to reduce what was a seven (7)-month waiting period to normally less than a ninety (90)-day waiting period by tremendous cooperation from our current pool of evaluators and by implementing more effective scheduling management techniques. We will continue to use scheduling management techniques to avoid future crises in the evaluation process. No changes have been made to the rule as a result of this comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(1), (2) and (11), and 209.295(8), RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.075 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1665). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the Commission is revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: Three identical letters stated "This language has the same problem as the other CSRs. The language is too vague. A timeline needs to be given."

RESPONSE: By law, all MICS evaluators "shall serve without compensation" (209.292(2), RSMo 2000). Given that MCD is dependent upon the services of volunteer evaluators, we have almost no control over when the evaluation of a particular performance tape will be completed. No changes have been made to the rule as a result of this comment.

COMMENT: I strongly agree with this rule, especially (C) 1 & 2. I believe this is the "up or accept" rule and is long overdue!

RESPONSE: Thank you for your support.

EXPLANATION OF CHANGE: Subsection (1)(C) has been changed to refer to 'permanent' and 'term' certifications as they have been defined in rule 5 CSR 100-200.030.

5 CSR 100-200.075 Voluntary Recertification

(1) An interpreter in the Missouri Interpreter Certification System (MICS) can volunteer to have his/her performance retested and re-evaluated in order to recertify as Novice or Apprentice or to obtain a higher certification level.

(A) An interpreter can apply for retesting and reevaluation by contacting the coordinator and scheduling the reevaluation performance test.

(B) A reevaluation performance test fee must be submitted at least thirty (30) days prior to the date of the performance test.

1. If no fee is received, an applicant scheduled for a reevaluation performance test will not be allowed to take the reevaluation performance test, and will have to reschedule a new date and time for their reevaluation performance test.

2. If the appropriate reevaluation performance test fee has been received, then failure to appear for a scheduled reevaluation performance test without reasonable prior notice, except in emergencies, will result in forfeiture of an applicant's reevaluation performance test fee. When reasonable prior notice is given, or failure to appear is due to an emergency, the applicant will be allowed to reschedule their reevaluation performance test for some future time without forfeiture of the fee.

(C) In cases of voluntary retesting and reevaluation, the performance test and reevaluation:

1. Shall have no effect on any permanent certification held by the interpreter other than to possibly qualify the interpreter for a higher level of certification.

2. Shall have no negative effect on the current status of a three (3)-year term certification. If an interpreter that holds a three (3)-year term certification achieves the same or a higher level of certification than that currently held by the interpreter, the Board for Certification of Interpreters shall issue a new certification showing the same or higher level of certification achieved.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(1), (11) and (12) and 209.295(2) and (8), RSMo 2000, the commission withdraws a rule as follows:

5 CSR 100-200.080 Supplementary Performance Evaluations is withdrawn.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1665-1666). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received twelve (12) written comments concerning this rule. Most of the comments were against the rule. The comments emphasized that the rule would add stress to an already burdened performance evaluation system, that valid reasons for complaint could be handled through the grievance procedure detailed in 5 CSR 100-200.180, and that it was questionable whether or not scores from a supplemental evaluation team should be "combined" with those of the original evaluation team or "replace" those of the original evaluation team.

RESPONSE: The commission is persuaded by the many comments and questions regarding this proposed rule that it is unnecessary and controversial. The rule is withdrawn.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.295(8) and 209.297(2), RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.085 Intern/Practicum Student Interpreting Permit Eligibility is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1666). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.295(8), and 209.297(2), RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.085 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1666). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the Commission is revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: "The phrase, 'an accredited Interpreter training Program (ITP),' could be interpreted to mean that the ITP has completed an accreditation process specific to the education of interpreters such as the Self-Study Review offered by the Conference of Interpreter Trainers. If it is the intent of the MCD and the BCI to require all ITP's in the state of Missouri to complete such an accreditation process, the State Committee of Interpreters offers its support."

RESPONSE AND EXPLANATION OF CHANGE: It was not the intent of MCD to only grant Intern/Practicum Certification (IPC) to students enrolled in ITP programs that have completed a review process specific to the education of interpreters, such as the Self-Study Review offered by the Conference of Interpreter Trainers. While we would certainly encourage all ITP programs in Missouri to undergo such a review process, the use of the word "accredited" in this rule is meant only to imply recognition by the MCD and that the institution of higher education in which the ITP is housed has been regionally accredited. Section (1) has been changed to make this clear.

COMMENT: "The State Committee of Interpreters believes that student interpreters with Intern/Practicum Certification must be supervised by a licensed interpreter at any time that the student engages in the act of interpreting for consumers. We recommend the following addition to this rule: (6) A student with IPC must be personally supervised by a licensed interpreter holding current renewable certification at [sic] whenever the student engages in the act of interpreting."

RESPONSE: While the Commission fully understands and agrees with the need for supervision of Intern/Practicum students by a licensed interpreter when the students are engaged in the practice of interpreting, we disagree that this needs to be on a one-to-one basis as is implied by the suggested language. It has always been the historical practice in Missouri that Intern/Practicum students could be supervised as a group (one supervisor to several students) with the supervisor first observing one and then observing another, and the suggested language would prevent that from happening. MCD believes that incorporation of the suggested language would be directly detrimental to the interests of students needing Intern/Practicum experiences and indirectly detrimental to the interests of consumers needing interpreting services. No changes have been made to the rule as a result of this comment.

COMMENT: "I suggest using another term instead of Certification. Certification, alludes to a specific skill level. Possibly use the term PERMIT or another equivalent."

RESPONSE: The meaning of the word “permit” can all too easily be confused with the meaning of the word “license,” and MCD has no authority to issue permits or licenses to interpreters. That is why we have eliminated the word “permit” from all of our rules. On the other hand, the word “certify” simply means to “attest to authoritatively” or “attest as being true.” MCD attests that interpreters have a certain minimum skill level when we issue a certification based on a performance evaluation. We can also attest as being true that an interpreter is enrolled in an ITP, and that is what the Intern/Practicum Certification does. No changes have been made to the rule as a result of this comment.

EXPLANATION OF CHANGE: The words “Board for Certification of Interpreters” have been deleted from section (2) for stylistic consistency given that the BCI is now fully identified in section (1).

5 CSR 100-200.085 Intern/Practicum Certification

(1) Intern/Practicum Certification (IPC) will be granted to a student applicant upon verification of registration in an interpreting practicum or internship course in an Interpreter Training Program (ITP) that is recognized by the Board for Certification of Interpreters (BCI) and housed in a regionally accredited institution of higher education.

(2) The applicant’s ITP director/coordinator is responsible for notifying the BCI regarding the effective start and end dates of the IPC.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.295(8), 209.297(2), and 209.309, RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.090 Temporary Interpreting Permit Eligibility is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1666–1667). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received three (3) written comments concerning this rule.

COMMENT: One person wrote “I’m aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted.”

RESPONSE: Thank you for your support.

COMMENT: One person wrote “First I’d like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001.”

RESPONSE: Thank you for your support.

COMMENT: The State Committee is in support of the rescission of this rule, as no corresponding license is available to interpreters with a Temporary Permit.

RESPONSE: Thank you for your support.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(9) and 209.295(3) and (4), RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.100 Conversion Procedure is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1667). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote “I’m aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted.”

RESPONSE: Thank you for your support.

COMMENT: One person wrote “First I’d like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001.”

RESPONSE: Thank you for your support.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(9), 209.295(3), and 209.295(4), RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.100 Certification Conversion Procedures is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1667). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received but the commission is not revising the proposed rule.

COMMENT: One person wrote “I’m aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted.”

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: "I thoroughly agree with this rule and the decisions made in regard to the conversion process."

RESPONSE: Thank you for your support.

COMMENT: One commenter stated that "RID and NAD are not going to give over their evaluation procedures. For that reason RID and NAD just needs to be accepted and not converted. These are nationally recognized organizations." Another person stated that "R.I.D. should be recognized as a complete certification." Another person stated that "A straightforward recognition of RID and NAD certifications is beneficial to the State of Missouri."

RESPONSE: The legislature created the BCI and mandated that it "shall issue the certificates, bearing the signature of the executive director, necessary to qualify for a license to interpret (209.292.1 (2), RSMo 2000)." It further stipulates that the BCI shall, with the approval of the Commission, "develop a conversion system and policy for accepting other certification systems into the certification offered by the Missouri commission for the deaf (209.292.1(9), RSMo 2000)." Furthermore, the law that created the State Committee of Interpreters indicates that each applicant that applies for a license "must submit to the committee verification from the Missouri commission for the deaf that the applicant has achieved the appropriate certification to qualify for licensure (209.323(4), RSMo 2000)." The intent of the legislature was clearly that all applicants for a license to interpret in Missouri must be certified in the Missouri Interpreter System and be certified by the Missouri Commission for the Deaf. We cannot abrogate the intent of statutory law by passing a contrary administrative rule, for any administrative rule that conflicts with statutory law is null and void.

However, the Commission is sympathetic with the desire to make it quick and easy for out of state interpreters to come to Missouri and join our pool of working interpreters. The changes that have been made in this rule will allow us to develop conversion tables that will provide for fairly immediate and automatic conversion from other state and national certifications, such as NAD, RID, and the EIPA, to MICS certification. No changes have been made to the rule as a result of this comment.

COMMENT: "Which certification will be converted into the MICS and what level?"

RESPONSE: The conversion tables for automatic conversions will be developed and publicized at a later date. Those will be policy decisions of the MCD. No changes have been made to the rule as a result of this comment.

COMMENT: "Evaluations are proprietary information. If shared, the testing tool would be compromised."

RESPONSE: MCD is mandated to hold all testing materials and records confidentially (209.305(2), RSMo 2000), and thus any information provided to MCD regarding other certification systems would not necessarily be compromised. Furthermore, by adding the words "if needed" to this rule, MCD will be able to convert other generally recognized certifications to MICS certifications without the necessity of trying to obtain detailed proprietary information. No changes have been made to the rule as a result of this comment.

COMMENT: "Comparisons of evaluation tools would make the tool invalid and would compromise the evaluation."

RESPONSE: The fact that two measurement tools are compared has nothing to do with the validity of either tool. No changes have been made to the rule as a result of this comment.

COMMENT: "An applicant is not privy to the evaluation or testing system, whether that is a national or a state test. How could an applicant be held responsible for this information?"

RESPONSE: The applicant is not required to be in possession of this information. The applicant is only required to authorize a release of performance information from the certifying entity from which conversion is being sought. No changes have been made to the rule as a result of this comment.

COMMENT: "The MICS was created and purchased from Kansas. It was used as a quality assurance-screening test not as a certification test or evaluation. This test, KQAST, has been proven not to be a valid and reliable tool for certification."

RESPONSE: The Commission has been unable to find any documentation to support the allegation that the KQAST "has been proven not to be a valid and reliable tool for certification." In fact, in an e-mail dated 10/16/01 the Director of the Kansas Commission for the Deaf and Hard of Hearing comments regarding this assertion that "I have not heard this yet," and goes on to state that "our system overall is reliable and valid." No changes have been made to the rule as a result of this comment.

COMMENT: "Publish the standards by which the MICS is evaluating candidates. Most other certifying states and entities publish their testing standards on the internet or mailed upon request."

RESPONSE: The Commission agrees that the standards by which MICS is evaluating candidates should be published, but because the standards may need to be fine tuned from time to time, it would be imprudent to incorporate them in the MICS rules, thus making them difficult to change as needed. Rather the evaluation standards will be published in the new "Interpreters Manual" to be developed after the new rules become effective. No changes have been made to the rule as a result of this comment.

COMMENT: "It is impossible to accurately convert certificates—with or without the entities criteria. It is comparing apples and oranges. Reciprocity with each entity is more accurate and feasible based on general comparisons and established agreements."

RESPONSE: Just as reciprocity can be done based on "general comparisons," conversion can also be done based on "general comparisons." If one looks closely at the proposed rule, one will note the addition to section (5) of the words "if needed." This change is to enable MCD to develop conversion tables that will allow for automatic and fairly immediate conversion of several other state and national certifications, including NAD, RID, and the EIPA, to MICS certifications. No changes have been made to the rule as a result of this comment.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(9), RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.110 Grandfather Clause is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1667-1668). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.287, 209.292 and 209.309, RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.120 Certification Validation is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1668). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.295(1), (2) and (8), 209.309 and 209.311, RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.125 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1668). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the commission is revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

EXPLANATION OF CHANGE: In response to a comment received regarding another rule, the "Purpose" and sections (1), (2) and (3) have been changed to clearly indicate that the annual renewal requirement applies to all MICS certifications with only two (2) exceptions. In addition, section (1) has been changed to indicate that the renewal items must be submitted on or before sixty (60) days prior to the licensing deadline in order to give interpreters a longer period of time in which to carefully assemble their renewal materials after earning their CEUs.

5 CSR 100-200.125 Certification Renewal

PURPOSE: This rule outlines the procedures for filing for renewal of MICS certifications.

(1) All holders of MICS certifications shall renew their certifications annually by submitting the following items to the Board for Certification of Interpreters on or before sixty (60) days prior to the licensing date established by the Missouri State Committee of Interpreters:

(A) Renewal form;

(B) A completed Continuing Education Unit (CEU) form accompanied by supporting documentation as required by 5 CSR 100-200.130;

(C) Renewal fee; and

(D) CEU processing fee.

(2) This rule does not apply to holders of the three (3)-year term certifications of Novice and Apprentice when those certifications expire on or before the annual renewal date.

(3) This rule does not apply to holders of the non renewable Intern/Practicum Certification discussed in 5 CSR 100-200.085.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(10), and 209.295(6), RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.130 Permit/Certification Maintenance (PCM) is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1668). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission

becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(10) and 209.295(1), (6) and (8), RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.130 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1669-1670). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the Commission is revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: "The State Committee of Interpreters recognizes mentorship as a valuable tool in the training and professional development of licensed interpreters. The State Committee of Interpreters asks the BCI and MCD to ensure the availability of mentorship as an approved activity for certification maintenance . . ." Three other identical letters also stated that "Mentorship should be recognized as an approved activity in the certification maintenance program for the mentee and the mentor."

RESPONSE: The Commission agrees that mentorship should be an acceptable activity for earning CEUs, and we have added this to the language of section (1) and paragraph (8)(E)1.

COMMENT: "Given that certain certifications will last three (3) years and cannot be 'renewed' one potential interpretation of this rule is that it does not apply to non-renewable certifications. Interpreters with non-renewable certifications may not experience

any consequences for failing to comply with certification maintenance requirements."

RESPONSE: It definitely was not the intention of MCD that this rule be interpreted to mean "that it does not apply to non-renewable certifications." Annual certification maintenance requirements apply to interpreters at all certification levels, and we have changed the language of 5 CSR 100-200.125 to make this clear. No changes have been made to the rule as a result of this comment.

COMMENT: "R.I.D. CEU's should automatically be accepted. The national committee has already done the requirement and approval work for the BCI. This will save time and money for the BCI and Missouri. I'm recommending that the certification maintenance of NRID be fully recognized."

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that CEUs given by RID should be accepted for MICS certification maintenance purposes, and we have modified the language of paragraph (1)(C)2. of the rule to incorporate this principle.

EXPLANATION OF CHANGE: We have modified the language of subsection (1)(C) to clarify the question that was raised in a comment to another rule regarding accredited ITP programs. In addition, although no comment was received regarding this matter, the Commission decided to differentiate the deadline for "earning" CEUs from the deadline for "submitting" evidence of having acquired CEUs necessary for annual certification maintenance. Thus, the deadline for earning CEUs has been kept at ninety (90) days prior to the licensing deadline, but the deadline for submitting CEU forms has been moved to sixty (60) days prior to the licensing deadline. This will allow interpreters to earn CEUs right up to the deadline for earning them, and still have 30 days for careful preparation and submittal of their CEU documentation. Thus, appropriate changes have been made to sections (3) and (5), as well as subsection (6)(A).

5 CSR 100-200.130 Certification Maintenance

(1) Annual participation in a continuing education program is required for interpreters certified in the Missouri Interpreter Certification System (MICS). This program involves study and performance options which must have prior approval from the Board for Certification of Interpreters (BCI) and which fulfill the requirements for certification maintenance in the MICS. This program may include seminars, lectures, conferences, workshops, extension study, correspondence courses, teaching, mentorship, self-study and other options, all of which must be approved by the BCI and must be related to interpreting.

(A) Program options may provide for evaluation methods to assure satisfactory completion by participants.

(B) The BCI shall ensure that persons responsible for the delivery or content of program options are qualified in the subject matter by education, experience and expertise.

(C) Presentations or program options offering MICS Continuing Education Units (CEUs) may be approved through any of the following methods:

1. All presentations and workshops offered by an Interpreter Training Program (ITP) recognized by the BCI and housed in an accredited institution of higher education will automatically be approved for MICS CEUs;

2. All presentations and workshops that give attendees CEUs approved by the Registry of Interpreters for the Deaf (RID) will automatically be approved for MICS CEUs;

3. MICS CEUs will be given for undergraduate or graduate studies related to interpreting in any regionally accredited institution of higher education. Satisfactory proof of course completion,

as required by the BCI, must be submitted in order for CEUs to be granted. The following hourly equivalents will be used by the BCI in issuing course-related MICS CEUs:

- A. 3 college credit hour course = 10 contact hours;
- B. 2 college credit hour course = 6 contact hours; and
- C. 1 college credit hour course = 3 contact hours.

4. The BCI may approve continuing education presentations and program options other than those offered by an ITP or the RID if they meet the following criteria prior to the event:

A. Application should be submitted not less than thirty (30) days prior to the event. Applications received less than thirty (30) days in advance cannot be guaranteed notification of approval.

B. Application to the BCI for approval shall be made on forms developed by the BCI. The application shall require detailed information relating to administration and organization, teaching staff, education content and development, methods of delivery, length of education activities, targeted skill level of interpreters, facilities and method of evaluation;

(D) With adequate documentation to the BCI, any interpreter whose primary responsibility is not the education of interpreters who leads, instructs or lectures to groups of interpreters or others on topics related to interpreting in organized continuing education or in-service programs shall be granted MICS CEUs for the time expended during actual presentation. Approval must be requested using procedures outlined in paragraph (1)(C)4. above. MICS CEUs for the same presentation in the same town will be allowed only once during a year;

(E) Any interpreter whose responsibility is the education of interpreters shall be granted MICS CEUs only for time expended in leading, instructing, or lecturing to groups of interpreters or others on topics related to interpreting in an organized continuing education or in-service program outside his/her formal responsibilities in a learning institution. Approval must be requested using procedures outlined in paragraph (1)(C)4. above. MICS CEUs for the same presentation in the same town will be allowed only once during a year.

(3) An interpreter shall be required to earn one and two-tenths (1.2) CEUs annually for certification maintenance in the MICS. Contact hours earned in another state will be accepted by the BCI provided that the hours acquired can be documented. The twelve (12) month period for annually earning CEUs will end ninety (90) days prior to the licensing deadline.

(5) Proof of completion of continuing education requirements shall be provided by interpreters to the BCI by submitting annually a completed CEU form approved by the BCI, proper documentation, and the CEU processing fee, on or before sixty (60) days prior to the licensing deadline. Proper documentation shall include one (1) or more of the following:

- (A) Certificate(s) of completion;
- (B) Letter(s) from providers stating date of attendance and program; and
- (C) Transcript(s) (if available).

(6) The BCI will review and verify all MICS CEUs claimed in the CEU forms submitted. After verification, the BCI will notify all applicants, as well as the State Committee of Interpreters, of the number of CEUs interpreters have earned for the year.

(A) Failure to submit a CEU form with verifiable MICS CEUs, proper documentation, and the CEU processing fee by the sixty (60) days CEU deadline will result in an interpreter's certification not being renewed, and the State Committee of Interpreters will be appropriately notified of the interpreter's failure to renew certification.

(B) If an interpreter's certification is not renewed because of failure to obtain adequate MICS CEUs, the interpreter may apply for reinstatement by submitting a completed CEU form, proper documentation, the CEU processing fee, and the reinstatement fee.

(8) CEUs may be earned in any area or for any activity related to interpreting, with the prior approval of the BCI, including, but not limited to, the following:

(A) Culture:

- 1. Sociolinguistics;
- 2. Deaf culture;
- 3. American culture;
- 4. Multi-culture;
- 5. Cross-culture; and
- 6. Contextualization;

(B) Skills Development:

- 1. Receptive skill development;
- 2. Expressive skill development;
- 3. American Sign Language (ASL) skills (grammar, syntax, etc.);

- 4. English skills (grammar, syntax, etc.);

- 5. Deaf/Blind interpreting;

- 6. Oral interpreting;

- 7. Cued Speech interpreting;

- 8. Minimal Language Skills (MLS) interpreting; and

- 9. Communication modes;

(C) Trends/Issues in the Interpreting Profession:

- 1. Current issues relating to the profession;

- 2. Theories of interpreting; and

- 3. Ethical Rules of Conduct;

(D) Specialized Skills:

- 1. Legal setting;

- 2. Medical setting;

- 3. Mental health setting;

- 4. Educational setting;

- 5. Performing arts setting;

- 6. Rehabilitation setting;

- 7. Governmental setting; and

- 8. Technical setting;

(E) Instruction:

- 1. Mentorship;

- 2. Independent study;

- 3. Presenting a workshop; and

- 4. College credit course work.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.295(1) and (8), RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.140 Name and Address Change is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1670). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.295(1) and 209.295(8), RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.140 Name and Address Change is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1670). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) favorable written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(7), 209.295(2) and 209.311, RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.150 Fees is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1670-1671). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed

rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(7), 209.295(2) and 209.311, RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.150 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1671-1672). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the Commission is revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

EXPLANATION OF CHANGE: Given that the Commission has decided to withdraw the "Supplementary Evaluation" rule, there is no need for a "Supplementary Evaluation Fee." Thus, that fee has been eliminated from section (1).

5 CSR 100-200.150 Fees

(1) The following fees are established by the Missouri Commission for the Deaf:

(A) Application Fee	\$ 10.00
(B) Written Test Fee	\$ 25.00
(C) Performance Test Fee	\$125.00
(D) Reevaluation Fee	\$125.00
(E) Conversion Fee	\$ 50.00
(F) Reinstatement Fee	\$ 50.00
(G) Late Fee	\$ 30.00
(H) CEU Processing Fee	\$ 10.00
(I) Duplicate Certificate Fee	\$ 5.00

(J) Renewal Fee	\$ 5.00
(K) Wall Certificate Fee	\$ 10.00
(L) Intern/Practicum Certification Fee	\$ 10.00
(M) Photocopies/Printouts Fee (per page)	\$ 0.25

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**

**Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under section 209.292(5) and (8), RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.170 Requisite Skill Levels is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1673). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**

**Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(5) and 209.292(8), RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.170 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1673-1675). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the Commission is revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment

all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: "RCED should be restricted to practicing at levels K-12. This certification should be restricted to classroom and/or extra-curricular activities associated with K-12."

RESPONSE AND EXPLANATION OF CHANGE: The Commission is persuaded that the RCED should be limited to interpreting in grades K-12, and we have made the appropriate changes in the rule. Section (9) has been changed throughout to incorporate this limitation.

EXPLANATION OF CHANGE: Subsections (4)(F), (G) and (H) have been changed to reflect the creation of the RCED (K-6), RCED (7-12), and RCED (General) certifications.

5 CSR 100-200.170 Skill Level Standards

(4) For the purpose of this rule, all MICS certifications obtained through performance evaluation are referred to as follows:

(A) Comprehensive Certification	= Com
(B) Advanced Certification	= Adv
(C) Intermediate Certification	= Int
(D) Apprentice Certification	= App
(E) Novice Certification	= Nov
(F) Restricted Certification in Education (K-6)	= RCED (K-6)
(G) Restricted Certification in Education (7-12)	= RCED (7-12)
(H) Restricted Certification in Education (General)	= RCED (Gen)

(9) Education Setting

**Appropriate
Certifications**

(A) Academic (K-6)	Com/Adv/Int/RCED (K-6)/ RCED (Gen)
(B) Academic (7-12)	Com/Adv/Int/RCED (7-12)/ RCED (Gen)
(C) Academic (Post Secondary)	Com/Adv/Int
1. Colleges, Universities and Professional Schools	
2. Junior Colleges and Technical Institutes	
3. Continuing Education	
4. Adult Basic Education	
(D) Educational Assessment . . .	Com/Adv/Int
1. Psychological Testing	
2. Language Testing	
3. Developmental Testing	
4. Intelligence Testing	
(E) Educational Conferences . . .	Com/Adv/Int
1. Individualized Education Plan Conference	
2. Parent/Teacher Conference	
3. Parent/School Administrator Conference	
(F) Professional Development . .	Com/Adv/Int
1. Conferences	
2. Seminars	
3. Workshops	
4. Training	
(G) Community Education . . .	Com/Adv/Int/App
1. Any programs or activities offered by schools, colleges or universities in the community that promote learning.	

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under section 209.295(5) and (8), RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.175 Mentorship is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1675). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received three (3) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: The State Committee of Interpreters supports mentorship as a valuable tool for professional development. If mentorship is recognized as an approved activity in the certification maintenance program of the MICS as recommended in response to 5 CSR 100-200.130(1), then the State Committee of Interpreters supports the proposed rescission of 5 CSR 100-200.175.

RESPONSE: MCD agrees that mentorship should be an acceptable activity for earning CEUs, and we have added this to the language of rule 5 CSR 100-200.130.

COMMENT: Keep the rule as a rule that supports peer to peer professional development. Mentorship is common and standard within many professions.

RESPONSE: MCD agrees that mentorship should be an acceptable activity for earning CEUs, and we have added this to the language of rule 5 CSR 100-200.130. Thus, we see no reason to retain the old mentorship rule.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under section 209.295(8), RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.180 Grievance Procedure is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1675-1676). No changes have been made to the pro-

posed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(13), 209.295(8), 209.314 and 209.317, RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.180 Grievance Procedure and Appeal Rights is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1676). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received but the commission is not revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: "The State Committee of Interpreters believes that a list of appropriate grounds for grievance against the Missouri Interpreter Certification System should be included in this rule. This list should include, but not be limited to, complaints regarding the standardized delivery of the performance examination and the accurate and unbiased evaluation of the performance examination."

RESPONSE: Statutory law (209.314, RSMo 2000) stipulates that "The commission shall provide an opportunity to hear grievances against the evaluation process or members of the assessment team pursuant to the administrative process in chapter 621, RSMo." MCD cannot by administrative rule limit the generality of the statute by providing a list of appropriate grounds for grievance. Furthermore, trying to develop a comprehensive list of such grounds is probably impossible. We think it is best to remain

general in this rule so as to provide maximum flexibility to interpreters and not give an appearance of trying to limit the applicable statute. No changes have been made to the rule as a result of this comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under section 209.295(8), RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.200 Enforcement is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1676-1677). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under section 209.295(8), RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.210 Reinstatement is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1677). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under section 209.295(2) and (8), RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.210 Reinstatement is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1677). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) favorable written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.280 Compliance Monitoring Usage is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2001 (26 MoReg 1570-1571). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received one (1) comment during the public comment period. The comment was in support of the changes to the rule, but requested clarification on the department's intention not to submit the rule amendment as part of Missouri's State Implementation Plan (SIP).

COMMENT: The United States Environmental Protection Agency (EPA) commented in support of the rule amendment. However, they disagreed with the SIP submittal statement that was in the preamble to the rule amendment. They felt that this rule amendment should be submitted for inclusion in the SIP because the original rule was approved into the SIP on May 16, 2001.

RESPONSE: The department's Air Pollution Control Program appreciates the support for this rule amendment and agrees with the comment about the SIP submittal. The original rule was submitted to the EPA in March of 1995 for inclusion in the SIP. It was proposed for approval in the *Federal Register* in May of 2001, around the same time this rule amendment was being developed. As the department's Air Pollution Control Program was unaware of this approval, it was printed in the *Missouri Register* that the department did not intend to submit this rule amendment to EPA for inclusion in the SIP because it only established methodology and does not establish requirements. While this statement of the rule amendment's meaning is still correct, this amendment will need to be submitted to the EPA since the original rule has been included in the SIP.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services under sections 198.401, 198.403, 198.406, 198.409, 198.412, 198.416, 198.418, 198.421, 198.424, 198.427, 198.431, 198.433, 198.436, and 208.201, RSMo 2000, the director amends a rule as follows:

13 CSR 70-10.110 Nursing Facility Reimbursement Allowance is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1904-1906). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The division received one (1) letter with two (2) comments on the proposed amendment.

COMMENT: A comment was received requesting that the NFRA fee per patient occupancy day not be reduced to \$7.30 but rather leave it at the prior amount of \$7.50. It was also suggested that federal moneys generated using the assessment as state match be used to increase rates.

RESPONSE: The division has considered this request but believes the reduction in the NFRA fee to \$7.30, as filed, is appropriate. The NFRA regulation does not prescribe how nursing facility reimbursement rates are determined. The division does not have General Assembly approval to enhance rates beyond the adjustment resulting from actions required in 13 CSR 70-10.015.

COMMENT: A comment was received indicating that the division did not have regulatory authority to reduce the nursing facility reimbursement rates by \$0.20 per patient day and that it should be reinstated.

RESPONSE: The nursing facility reimbursement regulation, 13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services, provides for the NFRA to be an allowable cost immediately when the tax is adjusted. The division has always

accounted for the NFRA being an allowable cost by adjusting the nursing facility reimbursement rate by the current year's NFRA.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services under sections 208.152, 208.153, 208.201 and 208.471, RSMo 2000, the director amends a rule as follows:

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1907-1910). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services under sections 208.152, 208.153, 208.201 and 208.471, RSMo 2000, the director amends a rule as follows:

13 CSR 70-15.040 Inpatient Hospital and Outpatient Hospital Settlements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1911). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services under sections 208.201, 208.453 and 208.455, RSMo 2000, the director amends a rule as follows:

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 2014-2015). No changes have been made in the text of the proposed amendment, so it is not reprinted

here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 50—Hospice Services Program**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.152, 208.153 and 208.201, RSMo 2000, the director hereby amends a rule as follows:

13 CSR 70-50.010 Hospice Services Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1911–1913). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 13—Rules for the Establishment of a Missouri
No-Call Database**

ORDER OF RULEMAKING

By the authority vested in the Attorney General under section 407.1101, RSMo 2000, the Attorney General amends a rule as follows:

**15 CSR 60-13.060 Methods by Which a Person or Entity
Desiring to Make Telephone Solicitations Will Obtain Access to
the Database of Residential Subscribers' Notices of Objection to
Receiving Telephone Solicitations and the Cost Assessed for
Access to the Database is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 2020–2023). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Attorney General received no comments on the proposed rule.

**Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 1—Financial Solvency and Accounting
Standards**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance under section 374.045, RSMo 2000, the director amends a rule as follows:

**20 CSR 200-1.160 Valuation of Life Insurance Policies is
amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 2045). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 6—Surplus Lines**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance under section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 200-6.600 Licensing Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2001 (26 MoReg 2045–2046). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons,
Methods, Limits**

IN ADDITION

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits

As a matter of public information, the following dates and bag limits shall apply on turkey hunting seasons for 2002. These are based on the formula for season dates set out in subsections (1)(A), (1)(B) and (1)(D) of this rule in the *Code of State Regulations*, and action of the Conservation Commission on December 14, 2001, to annually establish the season length and bag limit of the spring turkey hunting season.

Spring Season: The 2002 spring turkey hunting season will be twenty-one (21) days in length (from April 22 through May 12, 2002). A person possessing the prescribed turkey hunting permit may take two (2) male turkeys or turkeys with visible beard during the season; provided, only one (1) turkey may be taken during the first seven (7) days of the season and only one (1) turkey may be taken per day.

Fall Firearms Season: The 2002 fall firearms turkey hunting season will be fourteen (14) days in length (from October 14 through October 27, 2002). A person possessing the prescribed fall firearms turkey hunting permit may take two (2) turkeys of either sex during the season; provided only one (1) turkey may be taken during the first seven (7) days of the season, and only one (1) turkey may be taken per day.

Youth Spring Season: April 13–14, 2002.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR
SERVICES**

**Division 60—Missouri Health Facilities Review
Committee**

Chapter 50—Certificate of Need Program

APPLICATION REVIEW SCHEDULE

DATE FILED:
APPLICATION PROJECT NO. &
NAME/COST & DESCRIPTION/
CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for the February 4, 2002, Certificate of Need meeting. These applications are available for public inspection at the address shown below:

12/12/01

#3197 RS: Capetowne Residential Care Center, Cape Girardeau (Cape Girardeau County)
\$1,200,000, Replace 21 Residential Care Facility (RCF) II Beds

12/20/01

#3191 NP: Crown Care Center, Harrisonville (Cass County)
\$68,000, Long-term care (LTC) bed expansion through the purchase of 8 Skilled Nursing Facility (SNF) beds from Crawford County Manor, Cuba (Crawford County)

12/21/01

#3026 RP: Maehill Manor, Farmington (St. Francois County)
\$1,775,000, LTC bed expansion through the purchase of 60 RCF II beds from Midtown Residential Care, L.L.C., Kansas City (Jackson County)

12/26/01

#3195 RP: Ozark Center, Joplin (Jasper County)
\$803,000, LTC bed expansion through the purchase of 15 RCF II beds from DeKalb Folks Home, DeKalb (Buchanan County), and replace 15-bed RCF II

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received by January 25, 2002. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST APOLLO SCALES, LLC

On February 08, 2001, Apollo Scales, LLC, a Missouri limited liability company filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State, and was filed by the Missouri Secretary of State on February 13, 2001.

Any claims against Apollo Scales, LLC may be sent to: Glenn R. Feilner, 5035 S. 174th Street, Omaha, NE 68135. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

All claims against Apollo Scales, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice.

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us. Prospective bidders may receive specifications upon request.

B3E02125 Cash Farm Lease-Moberly Corrections Center 2/1/02;
B3Z02111 Janitorial Services 2/8/02;
B3Z02094 Hazardous Waste Disposal/Recycling Services 2/11/02;
B3Z02048 Exhibit: Mobile-"Cave Caravan" Design 2/15/02.

It is the intent of the State of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

Promega PowerPlex DNA Products, supplied by Promega Corporation of Madison, Wisconsin.

James Miluski, CPPO,
Director of Purchasing

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—25 (2000), 26 (2001) and 27 (2002). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				24 MoReg 2535
	.....				25 MoReg 2478
	.....				27 MoReg 189
1 CSR 50-3.010	Missouri Ethics Commission		26 MoReg 2219		
DEPARTMENT OF AGRICULTURE					
2 CSR 10-5.010	Market Development	26 MoReg 1305R			
	.....	26 MoReg 1305			
2 CSR 10-5.015	Market Development	26 MoReg 2217			
2 CSR 30-2.010	Animal Health	26 MoReg 2257	26 MoReg 2263		
2 CSR 30-2.040	Animal Health	26 MoReg 2257	26 MoReg 2265		
2 CSR 30-6.020	Animal Health	26 MoReg 2258	26 MoReg 2267		
2 CSR 90-10.012	Weights and Measures		27 MoReg 7		
2 CSR 90-10.013	Weights and Measures		27 MoReg 9		
2 CSR 90-10.020	Weights and Measures		27 MoReg 9		
2 CSR 90-10.040	Weights and Measures		27 MoReg 11		
2 CSR 100-10.010	Weights and Measures		26 MoReg 1623	26 MoReg 2416	
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission	26 MoReg 1795	26 MoReg 2313		
3 CSR 10-4.111	Conservation Commission	This Issue			
3 CSR 10-5.550	Conservation Commission	26 MoReg 1891	This Issue		
3 CSR 10-5.551	Conservation Commission	26 MoReg 1893	This Issue		
3 CSR 10-5.559	Conservation Commission	26 MoReg 1895	This Issue		
3 CSR 10-5.560	Conservation Commission	26 MoReg 1897	This Issue		
3 CSR 10-5.565	Conservation Commission	26 MoReg 1899	This Issue		
3 CSR 10-6.405	Conservation Commission	26 MoReg 2075	This Issue		
3 CSR 10-7.455	Conservation Commission	N.A.	This Issue		This Issue
3 CSR 10-11.182	Conservation Commission	26 MoReg 1901	26 MoReg 2416		
3 CSR 10-11.200	Conservation Commission	26 MoReg 1901	26 MoReg 2416		
3 CSR 10-11.210	Conservation Commission	26 MoReg 1901	26 MoReg 2416		
3 CSR 10-11.215	Conservation Commission	26 MoReg 1902	26 MoReg 2417		
3 CSR 10-12.110	Conservation Commission	26 MoReg 1902	26 MoReg 2417		
3 CSR 10-12.135	Conservation Commission	26 MoReg 1902	26 MoReg 2417		
3 CSR 10-12.140	Conservation Commission	26 MoReg 1902	26 MoReg 2417		
3 CSR 10-12.145	Conservation Commission	26 MoReg 1902	26 MoReg 2417		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 10-2.022	Missouri State Board of Accountancy	26 MoReg 2345	26 MoReg 2348		
4 CSR 10-2.041	Missouri State Board of Accountancy	26 MoReg 2346	26 MoReg 2352		
4 CSR 10-2.061	Missouri State Board of Accountancy	26 MoReg 2346	26 MoReg 2352		
4 CSR 10-2.160	Missouri State Board of Accountancy	26 MoReg 1501	26 MoReg 2353		
4 CSR 15-1.010	Acupuncturist Advisory Committee	26 MoReg 1624	27 MoReg 21		
4 CSR 15-1.020	Acupuncturist Advisory Committee	26 MoReg 1628	27 MoReg 21		
4 CSR 15-1.030	Acupuncturist Advisory Committee	26 MoReg 1631	27 MoReg 21		
4 CSR 15-2.010	Acupuncturist Advisory Committee	26 MoReg 1631	27 MoReg 21		
4 CSR 15-2.020	Acupuncturist Advisory Committee	26 MoReg 1637	27 MoReg 22		
4 CSR 15-3.010	Acupuncturist Advisory Committee	26 MoReg 1642	27 MoReg 22		
4 CSR 15-3.020	Acupuncturist Advisory Committee	26 MoReg 1647	27 MoReg 22		
4 CSR 15-4.010	Acupuncturist Advisory Committee	26 MoReg 1650	27 MoReg 22		
4 CSR 15-4.020	Acupuncturist Advisory Committee	26 MoReg 1653	27 MoReg 23		
4 CSR 30-3.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors	26 MoReg 2075			
4 CSR 30-3.030	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors	26 MoReg 2076			
4 CSR 30-3.040	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors	26 MoReg 2077			
4 CSR 30-4.080	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors	26 MoReg 2078R			
	.....	26 MoReg 2078			
4 CSR 30-5.105	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors	26 MoReg 2269			
4 CSR 30-5.110	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors	26 MoReg 2269R			
	.....	26 MoReg 2270			
4 CSR 30-5.120	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors	26 MoReg 2083R			
	.....	26 MoReg 2083			
4 CSR 30-5.130	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors	26 MoReg 2083R			
	.....	26 MoReg 2083			

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-8.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 1406R	26 MoReg 2417R	
			26 MoReg 1406	26 MoReg 2418	
4 CSR 30-11.010	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 1409R	26 MoReg 2418R	
			26 MoReg 1409	26 MoReg 2418	
4 CSR 30-11.015	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2270		
4 CSR 30-11.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 1410	26 MoReg 2418	
4 CSR 40-1.010	Office of Athletics		26 MoReg 2354R		
4 CSR 40-1.021	Office of Athletics		26 MoReg 2354R		
			26 MoReg 2354		
4 CSR 40-1.030	Office of Athletics		26 MoReg 2355R		
4 CSR 40-1.031	Office of Athletics		26 MoReg 2355R		
4 CSR 40-2.011	Office of Athletics		26 MoReg 2356R		
			26 MoReg 2356		
4 CSR 40-2.021	Office of Athletics		26 MoReg 2365R		
			26 MoReg 2365		
4 CSR 40-3.011	Office of Athletics		26 MoReg 2369R		
			26 MoReg 2369		
4 CSR 40-4.015	Office of Athletics		26 MoReg 2372R		
			26 MoReg 2372		
4 CSR 40-4.020	Office of Athletics		26 MoReg 2376R		
			26 MoReg 2376		
4 CSR 40-4.030	Office of Athletics		26 MoReg 2376R		
			26 MoReg 2377		
4 CSR 40-4.040	Office of Athletics		26 MoReg 2382R		
			26 MoReg 2382		
4 CSR 40-4.050	Office of Athletics		26 MoReg 2384R		
			26 MoReg 2384		
4 CSR 40-4.060	Office of Athletics		26 MoReg 2387		
4 CSR 40-4.070	Office of Athletics		26 MoReg 2387		
4 CSR 40-4.080	Office of Athletics		26 MoReg 2388R		
			26 MoReg 2388		
4 CSR 40-4.090	Office of Athletics		26 MoReg 2392		
4 CSR 40-5.010	Office of Athletics		26 MoReg 2392		
4 CSR 40-5.030	Office of Athletics		26 MoReg 2395R		
			26 MoReg 2395		
4 CSR 40-5.040	Office of Athletics		26 MoReg 2398R		
			26 MoReg 2398		
4 CSR 40-5.050	Office of Athletics		26 MoReg 2400R		
4 CSR 40-5.060	Office of Athletics		26 MoReg 2400R		
			26 MoReg 2400		
4 CSR 40-5.070	Office of Athletics		26 MoReg 2402R		
4 CSR 40-6.010	Office of Athletics		26 MoReg 2402R		
			26 MoReg 2403		
4 CSR 40-7.010	Office of Athletics		26 MoReg 2403R		
			26 MoReg 2404		
4 CSR 65-1.060	Endowed Care Cemeteries		26 MoReg 2088		
4 CSR 65-2.010	Endowed Care Cemeteries		26 MoReg 2092		
4 CSR 65-2.050	Endowed Care Cemeteries		26 MoReg 2096		
4 CSR 90-2.010	State Board of Cosmetology		27 MoReg 14		
4 CSR 90-2.020	State Board of Cosmetology		27 MoReg 14		
4 CSR 90-2.030	State Board of Cosmetology		27 MoReg 14		
4 CSR 90-4.020	State Board of Cosmetology		27 MoReg 15		
4 CSR 90-8.010	State Board of Cosmetology		27 MoReg 15		
4 CSR 90-12.080	State Board of Cosmetology		27 MoReg 15		
4 CSR 90-13.070	State Board of Cosmetology		27 MoReg 16		
4 CSR 100	Division of Credit Unions			26 MoReg 2181	
				26 MoReg 2230	
				26 MoReg 2316	
				27 MoReg 188	
4 CSR 100-2.040	Division of Credit Unions		26 MoReg 1795	27 MoReg 177	
4 CSR 100-2.085	Division of Credit Unions		27 MoReg 16		
4 CSR 100-2.160	Division of Credit Unions		26 MoReg 1796	27 MoReg 177	
4 CSR 110-2.170	Missouri Dental Board		26 MoReg 1414R	26 MoReg 2418W	
			26 MoReg 1414	26 MoReg 2419W	
			27 MoReg 100		
4 CSR 110-2.180	Missouri Dental Board		26 MoReg 1423R	26 MoReg 2419W	
			26 MoReg 1423	26 MoReg 2419W	
4 CSR 110-2.240	Missouri Dental Board		27 MoReg 104		
4 CSR 120-1.010	State Board of Embalmers and Funeral Directors		26 MoReg 2276		
4 CSR 120-2.010	State Board of Embalmers and Funeral Directors		26 MoReg 2276		
4 CSR 120-2.020	State Board of Embalmers and Funeral Directors		26 MoReg 2276		
4 CSR 120-2.030	State Board of Embalmers and Funeral Directors		26 MoReg 2277		
4 CSR 120-2.040	State Board of Embalmers and Funeral Directors		26 MoReg 2277		
4 CSR 120-2.050	State Board of Embalmers and Funeral Directors		26 MoReg 2277		
4 CSR 120-2.060	State Board of Embalmers and Funeral Directors		26 MoReg 2278		
4 CSR 120-2.070	State Board of Embalmers and Funeral Directors		26 MoReg 2279		
4 CSR 120-2.120	State Board of Embalmers and Funeral Directors		26 MoReg 2280		
4 CSR 145-1.040	Missouri Board of Geologist Registration		26 MoReg 2281		
4 CSR 150-6.010	State Board of Registration for the Healing Arts		26 MoReg 1656	26 MoReg 2419	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 165-1.020	Board of Examiners for Hearing Instrument Specialists	26	MoReg 1656	This Issue	
4 CSR 165-2.050	Board of Examiners for Hearing Instrument Specialists	26	MoReg 1656	This Issue	
4 CSR 165-2.060	Board of Examiners for Hearing Instrument Specialists	26	MoReg 1657	This Issue	
4 CSR 205-1.030	Missouri Board of Occupational Therapy.....	27	MoReg 18R		
4 CSR 205-3.010	Missouri Board of Occupational Therapy.....	27	MoReg 18		
4 CSR 205-3.020	Missouri Board of Occupational Therapy.....	27	MoReg 18		
4 CSR 210-2.030	State Board of Optometry	27	MoReg 105		
4 CSR 210-2.070	State Board of Optometry	27	MoReg 105		
4 CSR 220-2.010	State Board of Pharmacy	26	MoReg 1658	27 MoReg 23	
4 CSR 220-2.020	State Board of Pharmacy	27	MoReg 18		
4 CSR 220-2.085	State Board of Pharmacy				26 MoReg 2433
4 CSR 220-2.650	State Board of Pharmacy	27	MoReg 19		
4 CSR 230-2.045	State Board of Podiatric Medicine	26	MoReg 2283		
4 CSR 240-2.045	Public Service Commission	27	MoReg 106		
4 CSR 240-2.075	Public Service Commission	27	MoReg 106		
4 CSR 240-2.080	Public Service Commission	26	MoReg 1965		
4 CSR 240-2.115	Public Service Commission	27	MoReg 107		
4 CSR 240-2.117	Public Service Commission	27	MoReg 107		
4 CSR 240-2.130	Public Service Commission	26	MoReg 1966		
4 CSR 240-10.020	Public Service Commission	26	MoReg 1659	This IssueW	
4 CSR 240-13.055	Public Service Commission	26	MoReg 2259		
4 CSR 240-21.010	Public Service Commission	26	MoReg 1312	26 MoReg 2313	
4 CSR 240-35.010	Public Service Commission	26	MoReg 1659R	This IssueR	
4 CSR 240-35.020	Public Service Commission	26	MoReg 1659R	This IssueR	
4 CSR 240-35.030	Public Service Commission	26	MoReg 1660R	This IssueR	
4 CSR 240-51.010	Public Service Commission	26	MoReg 1317	26 MoReg 2313	
4 CSR 240-120.011	Public Service Commission	26	MoReg 1434	26 MoReg 2420	
4 CSR 240-120.065	Public Service Commission	26	MoReg 1434	26 MoReg 2420	
4 CSR 240-121.055	Public Service Commission	26	MoReg 1434	26 MoReg 2420W	
4 CSR 240-122.010	Public Service Commission	26	MoReg 1435R	26 MoReg 2420R	
4 CSR 240-122.020	Public Service Commission	26	MoReg 1435R	26 MoReg 2420R	
4 CSR 240-122.030	Public Service Commission	26	MoReg 1435R	26 MoReg 2420R	
4 CSR 240-122.040	Public Service Commission	26	MoReg 1435R	26 MoReg 2421R	
4 CSR 240-122.050	Public Service Commission	26	MoReg 1436R	26 MoReg 2421R	
4 CSR 240-122.060	Public Service Commission	26	MoReg 1436R	26 MoReg 2421R	
4 CSR 240-122.070	Public Service Commission	26	MoReg 1436R	26 MoReg 2421R	
4 CSR 240-122.080	Public Service Commission	26	MoReg 1437R	26 MoReg 2421R	
4 CSR 240-122.090	Public Service Commission	26	MoReg 1437R	26 MoReg 2422R	
4 CSR 240-123.010	Public Service Commission	26	MoReg 1437	26 MoReg 2422	
4 CSR 240-123.030	Public Service Commission	26	MoReg 1438	26 MoReg 2422	
4 CSR 240-123.040	Public Service Commission	26	MoReg 1441	26 MoReg 2422	
4 CSR 240-123.065	Public Service Commission	26	MoReg 1444	26 MoReg 2423	
4 CSR 240-123.070	Public Service Commission	26	MoReg 1444	26 MoReg 2424	
4 CSR 240-123.080	Public Service Commission	26	MoReg 1446	26 MoReg 2424	
4 CSR 240-124.010	Public Service Commission	26	MoReg 1446	26 MoReg 2425	
4 CSR 240-124.040	Public Service Commission	26	MoReg 1447	26 MoReg 2425	
4 CSR 240-124.045	Public Service Commission	26	MoReg 1447	26 MoReg 2426	
4 CSR 250-5.020	Missouri Real Estate Commission	26	MoReg 2100		
4 CSR 255-2.010	Missouri Board for Respiratory Care.....	26	MoReg 2404		
4 CSR 255-2.020	Missouri Board for Respiratory Care.....	26	MoReg 2404		
4 CSR 255-2.030	Missouri Board for Respiratory Care.....	26	MoReg 2405		
4 CSR 265-8.060	Motor Carrier and Railroad Safety				26 MoReg 2181
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 30-4.040	Division of School Services.....	26	MoReg 2283R		
5 CSR 30-4.045	Division of School Services.....	26	MoReg 2283R		
5 CSR 30-340.010	Division of School Services.....	26	MoReg 2103		
	(<i>Changed to 5 CSR 50-340.110</i>)				
5 CSR 30-345.020	Division of Administrative and Financial Services.....	26	MoReg 1320	26 MoReg 2314	
	(<i>Changed to 5 CSR 50-345.020</i>)				
5 CSR 30-660.030	Division of School Services.....	26	MoReg 2284R		
5 CSR 30-660.040	Division of School Services.....	26	MoReg 2284R		
5 CSR 30-660.050	Division of School Services.....	26	MoReg 2284R		
5 CSR 50-340.110	Division of School Improvement	26	MoReg 2103		
	(<i>Changed from 5 CSR 30-340.010</i>)				
5 CSR 50-340.200	Division of School Improvement	26	MoReg 2284		
5 CSR 50-345.020	Division of School Improvement	26	MoReg 1320	26 MoReg 2314	
	(<i>Changed from 5 CSR 30-345.020</i>)				
5 CSR 60-120.070	Vocational and Adult Education	26	MoReg 2103R		
		26	MoReg 2103		
5 CSR 80-800.360	Teacher Quality and Urban Education	26	MoReg 2290		
5 CSR 80-805.030	Teacher Quality and Urban Education	26	MoReg 2291		
5 CSR 80-850.025	Teacher Quality and Urban Education	26	MoReg 1503	26 MoReg 2314	
5 CSR 90-7.010	Vocational Rehabilitation	26	MoReg 1506	26 MoReg 2314	
5 CSR 90-7.100	Vocational Rehabilitation	26	MoReg 1507	26 MoReg 2314	
5 CSR 90-7.200	Vocational Rehabilitation	26	MoReg 1511	26 MoReg 2314	
5 CSR 90-7.300	Vocational Rehabilitation	26	MoReg 1514	26 MoReg 2315	
5 CSR 90-7.310	Vocational Rehabilitation	26	MoReg 1514	26 MoReg 2315	
5 CSR 90-7.320	Vocational Rehabilitation	26	MoReg 1514	26 MoReg 2315	
5 CSR 100-200.010	Missouri Commission for the Deaf.....	26	MoReg 1660R	This IssueR	
		26	MoReg 1660	This Issue	
5 CSR 100-200.030	Missouri Commission for the Deaf.....	26	MoReg 1661R	This IssueR	
		26	MoReg 1661	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 100-200.040	Missouri Commission for the Deaf	26	MoReg 1662R	This IssueR	
5 CSR 100-200.050	Missouri Commission for the Deaf	26	MoReg 1662	This Issue	
	.....	26	MoReg 1662R	This IssueR	
	.....	26	MoReg 1663	This Issue	
5 CSR 100-200.060	Missouri Commission for the Deaf	26	MoReg 1663R	This IssueR	
	.....	26	MoReg 1663	This Issue	
5 CSR 100-200.070	Missouri Commission for the Deaf	26	MoReg 1664R	This IssueR	
	.....	26	MoReg 1664	This Issue	
5 CSR 100-200.075	Missouri Commission for the Deaf	26	MoReg 1665	This Issue	
5 CSR 100-200.080	Missouri Commission for the Deaf	26	MoReg 1665	This IssueW	
5 CSR 100-200.085	Missouri Commission for the Deaf	26	MoReg 1666R	This IssueR	
	.....	26	MoReg 1666	This Issue	
5 CSR 100-200.090	Missouri Commission for the Deaf	26	MoReg 1666R	This IssueR	
5 CSR 100-200.100	Missouri Commission for the Deaf	26	MoReg 1667R	This IssueR	
	.....	26	MoReg 1667	This Issue	
5 CSR 100-200.110	Missouri Commission for the Deaf	26	MoReg 1667R	This IssueR	
5 CSR 100-200.120	Missouri Commission for the Deaf	26	MoReg 1668R	This IssueR	
5 CSR 100-200.125	Missouri Commission for the Deaf	26	MoReg 1668	This Issue	
5 CSR 100-200.130	Missouri Commission for the Deaf	26	MoReg 1668R	This IssueR	
	.....	26	MoReg 1669	This Issue	
5 CSR 100-200.140	Missouri Commission for the Deaf	26	MoReg 1670R	This IssueR	
	.....	26	MoReg 1670	This Issue	
5 CSR 100-200.150	Missouri Commission for the Deaf	26	MoReg 1670R	This IssueR	
	.....	26	MoReg 1671	This Issue	
5 CSR 100-200.170	Missouri Commission for the Deaf	26	MoReg 1673R	This IssueR	
	.....	26	MoReg 1673	This Issue	
5 CSR 100-200.175	Missouri Commission for the Deaf	26	MoReg 1675R	This IssueR	
5 CSR 100-200.180	Missouri Commission for the Deaf	26	MoReg 1675R	This IssueR	
	.....	26	MoReg 1676	This Issue	
5 CSR 100-200.200	Missouri Commission for the Deaf	26	MoReg 1676R	This IssueR	
5 CSR 100-200.210	Missouri Commission for the Deaf	26	MoReg 1677R	This IssueR	
	.....	26	MoReg 1677	This Issue	
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-2.030	Commissioner of Higher Education	26	MoReg 2297		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-22.020	Missouri Highways and Transportation Commission	26	MoReg 2220		
7 CSR 10-22.040	Missouri Highways and Transportation Commission	26	MoReg 2220		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 70-1.010	Missouri Assistive Technology Advisory Council	26	MoReg 1797	27 MoReg 23	
8 CSR 70-1.020	Missouri Assistive Technology Advisory Council	26	MoReg 1568	26 MoReg 2315	
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-7.020	Director, Department of Mental Health	27	MoReg 108		
9 CSR 10-7.030	Director, Department of Mental Health	27	MoReg 108		
9 CSR 25-2.505	Fiscal Management	27	MoReg 109		
9 CSR 30-3.120	Certification Standards	26	MoReg 2220		
9 CSR 30-3.130	Certification Standards	26	MoReg 2221		
9 CSR 30-3.132	Certification Standards	26	MoReg 2221		
9 CSR 30-3.140	Certification Standards	26	MoReg 2222		
9 CSR 30-3.300	Certification Standards	26	MoReg 2222		
9 CSR 30-4.030	Certification Standards	This Issue	This Issue		
9 CSR 30-4.031	Certification Standards	This Issue	This Issue		
9 CSR 30-4.032	Certification Standards	This Issue	This Issue		
9 CSR 30-4.034	Certification Standards	This Issue	This Issue		
9 CSR 30-4.035	Certification Standards	This Issue	This Issue		
9 CSR 30-4.039	Certification Standards	This Issue	This Issue		
9 CSR 30-4.042	Certification Standards	This Issue	This Issue		
9 CSR 30-4.043	Certification Standards	This Issue	This Issue		
9 CSR 30-4.045	Certification Standards	This Issue	This Issue		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-5.300	Air Conservation Commission	26	MoReg 1967		
10 CSR 10-6.050	Air Conservation Commission	26	MoReg 1456	27 MoReg 177	27 MoReg 188
10 CSR 10-6.060	Air Conservation Commission	26	MoReg 1974		
10 CSR 10-6.065	Air Conservation Commission	26	MoReg 1975		
10 CSR 10-6.280	Air Conservation Commission	26	MoReg 1570	This Issue	
10 CSR 20-4.023	Clean Water Commission	26	MoReg 860		
10 CSR 20-4.043	Clean Water Commission	26	MoReg 861		
10 CSR 20-6.200	Clean Water Commission	26	MoReg 1976		
10 CSR 20-7.040	Clean Water Commission	This Issue			
10 CSR 20-15.010	Clean Water Commission	26	MoReg 1992		
10 CSR 20-15.020	Clean Water Commission	26	MoReg 1993		
10 CSR 20-15.030	Clean Water Commission	26	MoReg 2005		
10 CSR 25-3.260	Hazardous Waste Management Commission	27	MoReg 110		
10 CSR 25-6.263	Hazardous Waste Management Commission	27	MoReg 112		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 25-12.010	Hazardous Waste Management Commission		27 MoReg 115		
10 CSR 40-10.020	Land Reclamation Commission		26 MoReg 1798		
10 CSR 40-10.050	Land Reclamation Commission		26 MoReg 1798		
10 CSR 60-7.020	Land Reclamation Commission		26 MoReg 1799		
10 CSR 60-10.040	Land Reclamation Commission		26 MoReg 1801		
10 CSR 60-14.020	Public Drinking Water Program				26 MoReg 1847
10 CSR 60-15.020	Public Drinking Water Program		26 MoReg 1802		
10 CSR 60-15.030	Public Drinking Water Program		26 MoReg 1804		
10 CSR 60-15.050	Public Drinking Water Program		26 MoReg 1804		
10 CSR 60-15.060	Public Drinking Water Program		26 MoReg 1805		
10 CSR 60-15.070	Public Drinking Water Program		26 MoReg 1809		
10 CSR 60-15.080	Public Drinking Water Program		26 MoReg 1813		
10 CSR 60-15.090	Public Drinking Water Program		26 MoReg 1816		
10 CSR 70-1.010	Soil and Water Districts Commission		This Issue		
10 CSR 100-3.010	Petroleum Storage Tank Insurance Fund Board		26 MoReg 2405		
10 CSR 100-4.010	Petroleum Storage Tank Insurance Fund Board		26 MoReg 2405		
10 CSR 100-4.020	Petroleum Storage Tank Insurance Fund Board		26 MoReg 2406		
10 CSR 100-5.010	Petroleum Storage Tank Insurance Fund Board		26 MoReg 2407		

DEPARTMENT OF PUBLIC SAFETY

11 CSR 10-11.210	Adjutant General		This Issue		
	(<i>Changed from 11 CSR 40-4.010</i>)				
11 CSR 10-11.220	Adjutant General		This Issue		
	(<i>Changed from 11 CSR 40-4.020</i>)				
11 CSR 10-11.230	Adjutant General		This Issue		
	(<i>Changed from 11 CSR 40-4.030</i>)				
11 CSR 10-11.240	Adjutant General		This Issue		
	(<i>Changed from 11 CSR 40-4.040</i>)				
11 CSR 10-11.250	Adjutant General		This Issue		
	(<i>Changed from 11 CSR 40-4.050</i>)				
11 CSR 30-7.010	Office of the Director		26 MoReg 1817R	27 MoReg 23R	
11 CSR 40-4.010	Division of Fire Safety		This Issue		
	(<i>Changed to 11 CSR 10-11.210</i>)				
11 CSR 40-4.020	Division of Fire Safety		This Issue		
	(<i>Changed to 11 CSR 10-11.220</i>)				
11 CSR 40-4.030	Division of Fire Safety		This Issue		
	(<i>Changed to 11 CSR 10-11.230</i>)				
11 CSR 40-4.040	Division of Fire Safety		This Issue		
	(<i>Changed to 11 CSR 10-11.240</i>)				
11 CSR 40-4.050	Division of Fire Safety		This Issue		
	(<i>Changed to 11 CSR 10-11.250</i>)				
11 CSR 40-6.060	Division of Fire Safety	26 MoReg 857			
11 CSR 45-1.090	Missouri Gaming Commission		27 MoReg 121		
11 CSR 45-4.030	Missouri Gaming Commission		26 MoReg 2297		
11 CSR 45-4.200	Missouri Gaming Commission		26 MoReg 2297		
11 CSR 45-4.205	Missouri Gaming Commission		26 MoReg 2298		
11 CSR 45-4.260	Missouri Gaming Commission		26 MoReg 2298		
11 CSR 45-4.400	Missouri Gaming Commission		27 MoReg 121		
11 CSR 45-4.410	Missouri Gaming Commission		27 MoReg 121		
11 CSR 45-4.420	Missouri Gaming Commission		27 MoReg 122		
11 CSR 45-5.290	Missouri Gaming Commission		27 MoReg 122		
11 CSR 45-6.020	Missouri Gaming Commission		27 MoReg 123		
11 CSR 45-6.025	Missouri Gaming Commission		27 MoReg 126		
11 CSR 45-7.040	Missouri Gaming Commission				26 MoReg 2184
11 CSR 45-8.050	Missouri Gaming Commission		27 MoReg 128		
11 CSR 45-12.090	Missouri Gaming Commission		27 MoReg 128		
11 CSR 45-13.070	Missouri Gaming Commission		27 MoReg 128		
11 CSR 45-30.025	Missouri Gaming Commission		26 MoReg 2298		
11 CSR 45-30.190	Missouri Gaming Commission		26 MoReg 2106		
11 CSR 45-30.395	Missouri Gaming Commission		26 MoReg 2106		
11 CSR 45-30.525	Missouri Gaming Commission		26 MoReg 2106		
11 CSR 50-2.020	Missouri State Highway Patrol	26 MoReg 1793	26 MoReg 1817	27 MoReg 24	
11 CSR 50-2.120	Missouri State Highway Patrol		26 MoReg 1818	27 MoReg 24	
11 CSR 50-2.150	Missouri State Highway Patrol		26 MoReg 2299		
11 CSR 50-2.170	Missouri State Highway Patrol		26 MoReg 2300		
11 CSR 50-2.240	Missouri State Highway Patrol		26 MoReg 2300		
11 CSR 50-2.270	Missouri State Highway Patrol	26 MoReg 1793	26 MoReg 1818	27 MoReg 24	
11 CSR 50-2.320	Missouri State Highway Patrol	26 MoReg 2260	26 MoReg 2300		
11 CSR 50-2.321	Missouri State Highway Patrol		26 MoReg 2303		
11 CSR 60-1.010	Division of Highway Safety		26 MoReg 2407		
11 CSR 60-1.040	Division of Highway Safety		26 MoReg 2408		
11 CSR 60-1.050	Division of Highway Safety		26 MoReg 2408		
11 CSR 60-1.060	Division of Highway Safety		26 MoReg 2408		
11 CSR 60-1.100	Division of Highway Safety		26 MoReg 2409		
11 CSR 70-3.010	Division of Liquor Control		26 MoReg 2107		
11 CSR 70-3.020	Division of Liquor Control		26 MoReg 2109		

DEPARTMENT OF REVENUE

12 CSR	Construction Transient Employers		26 MoReg 1214		
	.....		26 MoReg 1848		
	.....		26 MoReg 2434		
12 CSR 10-23.275	Director of Revenue		26 MoReg 2113		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
12 CSR 10-24.030	Director of Revenue	26 MoReg 1961	26 MoReg 1677	27 MoReg 24	
12 CSR 10-24.050	Director of Revenue		26 MoReg 2113		
12 CSR 10-24.190	Director of Revenue		26 MoReg 2113		
12 CSR 10-24.300	Director of Revenue		26 MoReg 2114		
12 CSR 10-24.326	Director of Revenue		26 MoReg 2114		
12 CSR 10-24.402	Director of Revenue		26 MoReg 2120		
12 CSR 10-24.462	Director of Revenue		26 MoReg 2120		
12 CSR 10-24.470	Director of Revenue		26 MoReg 2409		
12 CSR 10-41.010	Director of Revenue	26 MoReg 2262	26 MoReg 2303		
12 CSR 10-110.600	Director of Revenue		26 MoReg 1678	27 MoReg 24	
12 CSR 10-110.955	Director of Revenue		26 MoReg 1679	27 MoReg 183	
12 CSR 10-111.100	Director of Revenue		26 MoReg 2224		
12 CSR 30-4.010	State Tax Commission		This Issue		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 15-4.010	Division of Aging		26 MoReg 807		
13 CSR 15-7.021	Division of Aging		26 MoReg 2034		
	<i>(Changed to 19 CSR 15-7.021)</i>				
13 CSR 15-9.010	Division of Aging	26 MoReg 1501	26 MoReg 1515	27 MoReg 40	26 MoReg 2184
	<i>(Changed to 19 CSR 30-81.010)</i>				
13 CSR 30-10.010	Child Support Enforcement		26 MoReg 1681	26 MoReg 2431	
13 CSR 40-19.020	Division of Family Services	26 MoReg 1962	26 MoReg 2013		
13 CSR 70-3.100	Division of Medical Services		26 MoReg 2122		
13 CSR 70-10.015	Division of Medical Services		26 MoReg 1820	27 MoReg 24	
13 CSR 70-10.050	Division of Medical services		26 MoReg 2409		
13 CSR 70-10.110	Division of Medical Services	26 MoReg 1889	26 MoReg 1904	This Issue	
13 CSR 70-15.010	Division of Medical Services		26 MoReg 1907	This Issue	
13 CSR 70-15.040	Division of Medical Services		26 MoReg 1911	This Issue	
13 CSR 70-15.110	Division of Medical Services		26 MoReg 2014	This Issue	
13 CSR 70-20.031	Division of Medical Services		26 MoReg 2016		
13 CSR 70-20.034	Division of Medical Services		26 MoReg 2018		26 MoReg 2186
13 CSR 70-50.010	Division of Medical Services		26 MoReg 1911	This Issue	
13 CSR 73-2.015	Missouri Board of Nursing Home Administrators	27 MoReg 5	27 MoReg 19		
13 CSR 73-2.070	Missouri Board of Nursing Home Administrators	27 MoReg 5	27 MoReg 20		
ELECTED OFFICIALS					
15 CSR 30-4.010	Secretary of State		26 MoReg 1825R	27 MoReg 184R	
			26 MoReg 1825	27 MoReg 184	
15 CSR 30-9.010	Secretary of State		26 MoReg 1828	27 MoReg 185	
15 CSR 30-9.020	Secretary of State		26 MoReg 1828	27 MoReg 185	
15 CSR 30-9.030	Secretary of State		26 MoReg 1829	27 MoReg 185	
15 CSR 30-10.020	Secretary of State		26 MoReg 1829R	27 MoReg 185R	
			26 MoReg 1829	27 MoReg 185	
15 CSR 30-10.040	Secretary of State		26 MoReg 1831R	27 MoReg 186R	
			26 MoReg 1831	27 MoReg 186	
15 CSR 30-10.060	Secretary of State		26 MoReg 1832R	27 MoReg 186R	
			26 MoReg 1832	27 MoReg 186	
15 CSR 30-50.010	Secretary of State		27 MoReg 129		
15 CSR 30-50.020	Secretary of State		27 MoReg 130R		
			27 MoReg 130		
15 CSR 30-50.030	Secretary of State		27 MoReg 131R		
			27 MoReg 131		
15 CSR 30-50.040	Secretary of State		27 MoReg 132R		
			27 MoReg 132		
15 CSR 30-50.120	Secretary of State		27 MoReg 133R		
15 CSR 30-50.130	Secretary of State		27 MoReg 134R		
15 CSR 30-50.150	Secretary of State		27 MoReg 134R		
15 CSR 30-50.160	Secretary of State		27 MoReg 134R		
15 CSR 30-50.170	Secretary of State		27 MoReg 134R		
15 CSR 30-50.180	Secretary of State		27 MoReg 135R		
15 CSR 30-50.210	Secretary of State		27 MoReg 135R		
15 CSR 30-50.220	Secretary of State		27 MoReg 135R		
15 CSR 30-51.010	Secretary of State		27 MoReg 135		
15 CSR 30-51.020	Secretary of State		27 MoReg 136R		
			27 MoReg 136		
15 CSR 30-51.030	Secretary of State		27 MoReg 138R		
			27 MoReg 138		
15 CSR 30-51.160	Secretary of State		27 MoReg 139R		
			27 MoReg 139		
15 CSR 30-51.180	Secretary of State		This Issue		
15 CSR 30-54.190	Secretary of State		26 MoReg 2303R		
			26 MoReg 2304		
15 CSR 30-54.290	Secretary of State		This Issue		
15 CSR 30-55.010	Secretary of State		26 MoReg 2304R		
			26 MoReg 2304		
15 CSR 30-55.020	Secretary of State		26 MoReg 2305R		
			26 MoReg 2305		
15 CSR 30-55.025	Secretary of State		26 MoReg 2306		
15 CSR 30-55.030	Secretary of State		26 MoReg 2306R		
			26 MoReg 2306		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
15 CSR 30-55.040	Secretary of State		26 MoReg 2307R		
15 CSR 30-55.050	Secretary of State		26 MoReg 2307		
	.....		26 MoReg 2308R		
	.....		26 MoReg 2308		
15 CSR 30-55.070	Secretary of State		26 MoReg 2308R		
	.....		26 MoReg 2309		
15 CSR 30-55.080	Secretary of State		26 MoReg 2309R		
	.....		26 MoReg 2309		
15 CSR 30-55.090	Secretary of State		26 MoReg 2310R		
	.....		26 MoReg 2310		
15 CSR 30-55.110	Secretary of State		26 MoReg 2310R		
	.....		26 MoReg 2311		
15 CSR 30-55.220	Secretary of State		26 MoReg 2311		
15 CSR 50-2.050	Treasurer		26 MoReg 2414		
15 CSR 60-10.020	Attorney General		26 MoReg 1684R	26 MoReg 2431R	
	.....		26 MoReg 1684	26 MoReg 2431	
15 CSR 60-10.030	Attorney General		26 MoReg 1685R	26 MoReg 2431R	
	.....		26 MoReg 1685	26 MoReg 2431	
15 CSR 60-13.060	Attorney General	26 MoReg 1964	26 MoReg 2020	.....	This Issue
RETIREMENT SYSTEMS					
16 CSR 10-4.012	The Public School Retirement System of Missouri		26 MoReg 1833	27 MoReg 187	
16 CSR 10-5.055	The Public School Retirement System of Missouri		26 MoReg 1834	27 MoReg 187	
16 CSR 10-5.070	The Public School Retirement System of Missouri		26 MoReg 1834	27 MoReg 187	
16 CSR 10-6.045	The Public School Retirement System of Missouri		26 MoReg 1835	27 MoReg 187	
16 CSR 20-2.056	Missouri Local Government Employees' Retirement System (LAGERS)		26 MoReg 2311		
16 CSR 20-2.083	Missouri Local Government Employees' Retirement System (LAGERS)		26 MoReg 2312		
16 CSR 20-3.010	Missouri Local Government Employees' Retirement System (LAGERS)		26 MoReg 2312		
16 CSR 50-2.050	The County Employees' Retirement Fund		26 MoReg 1835	27 MoReg 187	
16 CSR 50-2.130	The County Employees' Retirement Fund		26 MoReg 1571	26 MoReg 2315	
BOARDS OF POLICE COMMISSIONERS					
17 CSR 20-2.015	St. Louis Board of Police Commissioners		26 MoReg 2024		
17 CSR 20-2.025	St. Louis Board of Police Commissioners		26 MoReg 2024		
17 CSR 20-2.035	St. Louis Board of Police Commissioners		26 MoReg 2025		
17 CSR 20-2.045	St. Louis Board of Police Commissioners		26 MoReg 2026		
17 CSR 20-2.055	St. Louis Board of Police Commissioners		26 MoReg 2027		
17 CSR 20-2.065	St. Louis Board of Police Commissioners		26 MoReg 2027		
17 CSR 20-2.075	St. Louis Board of Police Commissioners		26 MoReg 2028		
17 CSR 20-2.085	St. Louis Board of Police Commissioners		26 MoReg 2028		
17 CSR 20-2.095	St. Louis Board of Police Commissioners		26 MoReg 2029		
17 CSR 20-2.105	St. Louis Board of Police Commissioners		26 MoReg 2030		
17 CSR 20-2.115	St. Louis Board of Police Commissioners		26 MoReg 2031		
17 CSR 20-2.125	St. Louis Board of Police Commissioners		26 MoReg 2032		
17 CSR 20-2.135	St. Louis Board of Police Commissioners		26 MoReg 2033		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 10-5.010	Office of the Director		26 MoReg 2122		
19 CSR 15-7.021	Division of Senior Services		26 MoReg 2034		
	<i>(Changed from 13 CSR 15-7.021)</i>				
19 CSR 20-3.050	Division of Environmental Health and Communicable Disease Prevention		26 MoReg 1518R	27 MoReg 25R	
	.....		26 MoReg 1518	27 MoReg 25	
19 CSR 30-20.011	Division of Health Standards and Licensure		26 MoReg 1531	27 MoReg 37	
19 CSR 30-20.015	Division of Health Standards and Licensure		26 MoReg 1531	27 MoReg 37	
19 CSR 30-20.021	Division of Health Standards and Licensure		26 MoReg 1533	27 MoReg 38	
19 CSR 30-81.010	Division of Health Standards and Licensure	26 MoReg 1501	26 MoReg 1515	27 MoReg 40	26 MoReg 2184
	<i>(Changed from 13 CSR 15-9.010)</i>				
19 CSR 40-9.010	Division of Maternal, Child and Family Health		26 MoReg 1686	26 MoReg 2432	
19 CSR 40-9.020	Division of Maternal, Child and Family Health		26 MoReg 1687	26 MoReg 2432	
19 CSR 40-9.040	Division of Maternal, Child and Family Health		26 MoReg 1697	26 MoReg 2432	
19 CSR 60-50.200	Missouri Health Facilities Review	27 MoReg 71R	27 MoReg 141R		
	.....	27 MoReg 71	27 MoReg 141		
19 CSR 60-50.300	Missouri Health Facilities Review	27 MoReg 72R	27 MoReg 142R		
	.....	27 MoReg 72	27 MoReg 142		
19 CSR 60-50.310	Missouri Health Facilities Review	27 MoReg 74R	27 MoReg 143R		
19 CSR 60-50.400	Missouri Health Facilities Review	27 MoReg 74R	27 MoReg 143R		
	.....	27 MoReg 75	27 MoReg 144		
19 CSR 60-50.410	Missouri Health Facilities Review	27 MoReg 76R	27 MoReg 145R		
	.....	27 MoReg 77	27 MoReg 145		
19 CSR 60-50.420	Missouri Health Facilities Review	27 MoReg 78R	27 MoReg 148R		26 MoReg 2187
	.....	27 MoReg 78	27 MoReg 148		26 MoReg 2316
	.....				27 MoReg 41
	.....				This Issue
19 CSR 60-50.430	Missouri Health Facilities Review	27 MoReg 79R	27 MoReg 149R		
	.....	27 MoReg 80	27 MoReg 149		
19 CSR 60-50.440	Missouri Health Facilities Review	27 MoReg 82R	27 MoReg 153R		
	.....	27 MoReg 82	27 MoReg 153		
19 CSR 60-50.450	Missouri Health Facilities Review	27 MoReg 83R	27 MoReg 154R		
	.....	27 MoReg 84	27 MoReg 154		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 60-50.460	Missouri Health Facilities Review.....	27 MoReg 85R	27 MoReg 155R		
19 CSR 60-50.470	Missouri Health Facilities Review.....	27 MoReg 86	27 MoReg 156		
19 CSR 60-50.480	Missouri Health Facilities Review.....	27 MoReg 86R	27 MoReg 156R		
19 CSR 60-50.500	Missouri Health Facilities Review.....	27 MoReg 87	27 MoReg 156		
19 CSR 60-50.600	Missouri Health Facilities Review.....	27 MoReg 87R	27 MoReg 157R		
19 CSR 60-50.700	Missouri Health Facilities Review.....	27 MoReg 88R	27 MoReg 157R		
19 CSR 60-50.800	Missouri Health Facilities Review.....	27 MoReg 88	27 MoReg 158		
19 CSR 60-50.900	Missouri Health Facilities Review.....	27 MoReg 89R	27 MoReg 158R		
		27 MoReg 90	27 MoReg 158		
		27 MoReg 90R	27 MoReg 159R		
		27 MoReg 91	27 MoReg 159		
		27 MoReg 92R	27 MoReg 160R		
		27 MoReg 92	27 MoReg 160		
		27 MoReg 93R	27 MoReg 161R		
		27 MoReg 94	27 MoReg 161		
DEPARTMENT OF INSURANCE					
20 CSR	Medical Malpractice		25 MoReg 597		
			26 MoReg 599		
	Sovereign Immunity Limits		25 MoReg 724		
			26 MoReg 75		
			27 MoReg 41		
20 CSR 10-1.020	General Administration	27 MoReg 162			
20 CSR 100-6.100	Division of Consumer Affairs	26 MoReg 1392	26 MoReg 1913		
20 CSR 200-1.020	Financial Examination	27 MoReg 162			
20 CSR 200-1.160	Financial Examination	26 MoReg 2045	This Issue		
20 CSR 200-6.600	Financial Examination	26 MoReg 2045	This Issue		
20 CSR 200-11.130	Financial Examination	27 MoReg 163			
20 CSR 500-6.700	Property and Casualty.....	26 MoReg 2136R			
		26 MoReg 2136			
MISSOURI CONSOLIDATED HEALTH CARE PLAN					
22 CSR 10-2.010	Health Care Plan	27 MoReg 94	27 MoReg 164		
22 CSR 10-2.040	Health Care Plan	27 MoReg 95	27 MoReg 164		
22 CSR 10-2.045	Health Care Plan	27 MoReg 96	27 MoReg 167		
22 CSR 10-2.055	Health Care Plan	27 MoReg 96	27 MoReg 169		
22 CSR 10-2.063	Health Care Plan	27 MoReg 97	27 MoReg 171		
22 CSR 10-2.064	Health Care Plan	27 MoReg 97	27 MoReg 173		
22 CSR 10-2.065	Health Care Plan	27 MoReg 98R	27 MoReg 175R		
22 CSR 10-2.067	Health Care Plan	27 MoReg 98	27 MoReg 175		
22 CSR 10-2.075	Health Care Plan	27 MoReg 99	27 MoReg 175		

Emergency Rules in Effect as of February 1, 2002

Expires

Department of Agriculture

Market Development

2 CSR 10-5.010	Price Reporting Requirements for Livestock Purchases by Packers	February 28, 2002
2 CSR 10-5.010	Rules Governing Livestock Purchases by Packers	February 28, 2002
2 CSR 10-5.015	Public Complaint Handling and Disposition Procedure for Missouri Livestock Marketing Law	April 23, 2002

Animal Health

2 CSR 30-2.010	Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri	May 10, 2002
2 CSR 30-2.040	Animal Health Requirements for Exhibition	May 10, 2002
2 CSR 30-6.020	Duties and Facilities of the Market/Sale Veterinarian	May 10, 2002

Department of Economic Development

Missouri State Board of Accountancy

4 CSR 10-2.022	Provisional License to Practice	May 23, 2002
4 CSR 10-2.041	Eligibility Requirements for the C.P.A. Examination	May 23, 2002
4 CSR 10-2.061	Requirements for an Initial Permit to Practice	May 23, 2002

Public Service Commission

4 CSR 240-13.055	Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather	March 31, 2002
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Department of Mental Health

Certification Standards

9 CSR 30-4.030	Certification Standards Definitions	July 11, 2002
9 CSR 30-4.031	Procedures to Obtain Certification for Centers	July 11, 2002
9 CSR 30-4.032	Administration	July 11, 2002
9 CSR 30-4.034	Personnel and Staff Development	July 11, 2002
9 CSR 30-4.035	Client Records of a Community Psychiatric Rehabilitation Program	July 11, 2002
9 CSR 30-4.039	Service Provision	July 11, 2002
9 CSR 30-4.042	Admission Criteria	July 11, 2002
9 CSR 30-4.043	Treatment Provided by Community Psychiatric Rehabilitation Program	July 11, 2002
9 CSR 30-4.045	Intensive Community Psychiatric Rehabilitation	July 11, 2002

Department of Public Safety

Missouri State Highway Patrol

11 CSR 50-2.020	Minimum Inspection Station Requirements	February 28, 2002
11 CSR 50-2.270	Glazing (Glass)	February 28, 2002
11 CSR 50-2.320	School Bus Inspection	May 31, 2002

Department of Revenue

Director of Revenue

12 CSR 10-24.030	Hearings	March 28, 2002
12 CSR 10-41.010	Annual Adjusted Rate of Interest	June 29, 2002

Department of Social Services

Division of Aging

13 CSR 15-9.010	General Certification Requirements (<i>moved to 19 CSR 30-81.010</i>)	February 28, 2002
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Division of Family Services

13 CSR 40-19.020	Low Income Home Energy Assistance Program	March 29, 2002
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Division of Medical Services

13 CSR 70-10.110	Nursing Facility Reimbursement Allowance	March 6, 2002
13 CSR 70-10.150	Enhancement Pools	February 28, 2002

Missouri Board of Nursing Home Administrators

13 CSR 73-2.015	Fees	June 29, 2002
13 CSR 73-2.070	Examination	June 29, 2002

Elected Officials

Attorney General

15 CSR 60-13.060	Methods by Which a Person or Entity Desiring to Make Telephone Solicitations Will Obtain Access to the Database of Residential Subscribers' Notices of Objection to Receiving Telephone Solicitations and the Cost Assessed for Access to the Database	March 29, 2002
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Department of Health and Senior Services**Division of Health Standards and Licensure****19 CSR 30-81.010** General Certification Requirements (*moved from 13 CSR 15-9.010*) February 28, 2002**Missouri Health Facilities Review Committee**

19 CSR 60-50.200	Purpose and Structure	June 29, 2002
19 CSR 60-50.200	Purpose and Structure	June 29, 2002
19 CSR 60-50.300	Definitions for the Certificate of Need Process	June 29, 2002
19 CSR 60-50.300	Definitions for the Certificate of Need Process	June 29, 2002
19 CSR 60-50.310	Guidelines for Specific Health Services	June 29, 2002
19 CSR 60-50.400	Letter of Intent Process	June 29, 2002
19 CSR 60-50.400	Letter of Intent Process	June 29, 2002
19 CSR 60-50.410	Letter of Intent Package	June 29, 2002
19 CSR 60-50.420	Application Process	June 29, 2002
19 CSR 60-50.420	Review Process	June 29, 2002
19 CSR 60-50.430	Application Package	June 29, 2002
19 CSR 60-50.430	Application Package	June 29, 2002
19 CSR 60-50.440	Criteria and Standards for Hospital and Freestanding Health Services	June 29, 2002
19 CSR 60-50.440	Criteria and Standards for Equipment and New Hospitals	June 29, 2002
19 CSR 60-50.450	Criteria and Standards for Long-Term Care	June 29, 2002
19 CSR 60-50.450	Criteria and Standards for Long-Term Care	June 29, 2002
19 CSR 60-50.460	Criteria and Standards for Other Health Services and Emerging Technology	June 29, 2002
19 CSR 60-50.460	Criteria and Standards for Evolving Technology	June 29, 2002
19 CSR 60-50.470	Criteria and Standards for Financial Feasibility	June 29, 2002
19 CSR 60-50.470	Criteria and Standards for Financial Feasibility	June 29, 2002
19 CSR 60-50.480	Criteria and Standards for Alternatives	June 29, 2002
19 CSR 60-50.500	Additional Information	June 29, 2002
19 CSR 60-50.500	Additional Information	June 29, 2002
19 CSR 60-50.600	Certificate of Need Decisions	June 29, 2002
19 CSR 60-50.600	Certificate of Need Decisions	June 29, 2002
19 CSR 60-50.700	Post-Decision Activity	June 29, 2002
19 CSR 60-50.700	Post-Decision Activity	June 29, 2002
19 CSR 60-50.800	Meeting Procedures	June 29, 2002
19 CSR 60-50.800	Meeting Procedures	June 29, 2002
19 CSR 60-50.900	Administration	June 29, 2002
19 CSR 60-50.900	Administration	June 29, 2002

Missouri Consolidated Health Care Plan**Health Care Plan**

22 CSR 10-2.010	Definitions	June 29, 2002
22 CSR 10-2.040	PPO Plan Summary of Benefits	June 29, 2002
22 CSR 10-2.045	Co-Pay Plan Summary of Medical Benefits	June 29, 2002
22 CSR 10-2.055	Co-Pay Plan Benefit Provisions and Covered Charges	June 29, 2002
22 CSR 10-2.063	HMO/POS Premium Option Summary of Medical Benefits	June 29, 2002
22 CSR 10-2.064	HMO/POS Standard Option Summary of Medical Benefits	June 29, 2002
22 CSR 10-2.065	Staff Model Summary of Medical Benefits	June 29, 2002
22 CSR 10-2.067	HMO and POS Limitations	June 29, 2002
22 CSR 10-2.075	Review and Appeals Procedure	June 29, 2002

The rule number and the MoReg publication date follow each entry to this index.

ABOVEGROUND STORAGE TANKS

applicability, definitions; 10 CSR 20-15.010; 10/15/01
release reporting; 10 CSR 20-15.020; 10/15/01
site characterization, corrective action; 10 CSR 20-15.030;
10/15/01

ACCOUNTANCY

exam; 4 CSR 10-2.041; 12/17/01
fees; 4 CSR 10-2.160; 8/1/01, 12/17/01
license; 4 CSR 10-2.022; 12/17/01
permit; 4 CSR 10-2.061; 12/17/01

ACUPUNCTURIST ADVISORY COMMITTEE

application; 4 CSR 15-2.010; 9/4/01, 1/2/02
code of ethics; 4 CSR 15-3.020; 9/4/01, 1/2/02
fees; 4 CSR 15-1.030; 9/4/01, 1/2/02
information, complaints; 4 CSR 150-1.010; 9/4/01, 1/2/02
license renewal; 4 CSR 15-2.020; 9/4/01, 1/2/02
standards of practice; 4 CSR 15-3.010; 9/4/01, 1/2/02
supervision
 acupuncturist trainees; 4 CSR 15-4.020; 9/4/01, 1/2/02
 auricular detox technicians; 4 CSR 15-4.010; 9/4/01,
 1/2/02
titling; 4 CSR 15-1.020; 9/4/01, 1/2/02

AGING, DIVISION OF

certification; 13 CSR 15-9.010 (changed to 19 CSR 30-81.010);
8/1/01, 1/2/02

AGRICULTURAL AND SMALL BUSINESS DEVELOPMENT

tax credits, distribution, repayment; 2 CSR 100-10.010; 9/4/01,
12/17/01

AIR QUALITY, POLLUTION

compliance monitoring usage; 10 CSR 10-6.280; 8/15/01,
2/1/02
construction permits; 10 CSR 10-6.060; 10/15/01
emissions
 data, fees, process information; 10 CSR 10-6.110; 7/2/01,
 11/1/01
 solvent metal cleaning; 10 CSR 10-5.300; 10/15/01
incinerators, waiver; 10 CSR 10-5.375; 3/15/01
operating permits; 10 CSR 10-6.065; 10/15/01
start-up, shutdown, malfunction conditions; 10 CSR 10-6.050;
7/16/01, 1/16/02

AMUSEMENT RIDES

inspectors; 11 CSR 40-6.060; 4/16/01

ANIMAL HEALTH

admission; 2 CSR 30-2.010; 12/3/01
duties, facilities of the market/sale veterinarian; 2 CSR 30-6.020;
12/3/01
exhibition; 2 CSR 30-2.040; 12/3/01

APPRAISERS, REAL ESTATE

application; 4 CSR 245-5.020; 5/15/01, 9/4/01
payment; 4 CSR 245-5.010; 5/15/01, 9/4/01

ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS

architects
 seals; 4 CSR 30-3.020; 11/1/01

engineers

continuing professional competency; 4 CSR 30-11.015;
12/3/01
reexaminations; 4 CSR 30-5.105; 12/3/01
seals; 4 CSR 30-3.030; 11/1/01

land surveyors

admission to examination; 4 CSR 30-5.110; 12/3/01
development units; 4 CSR 30-8.020; 7/16/01, 12/17/01
evaluation; 4 CSR 30-4.080; 11/1/01
examination; 4 CSR 30-5.120; 11/1/01
licensure; 4 CSR 30-11.020; 7/16/01, 12/17/01
reexamination; 4 CSR 30-5.130; 11/1/01
renewal period; 4 CSR 30-11.010; 7/16/01, 12/17/01
requirements; 4 CSR 30-8.020; 7/16/01
seals; 4 CSR 30-3.040; 11/1/01

ASSISTIVE TECHNOLOGY PROGRAM

loan program; 8 CSR 70-1.020; 8/15/01, 12/3/01
telecommunications access program; 8 CSR 70-1.010;
9/17/01, 1/2/02

ATHLETICS, BOARD OF

amateur boxing; 4 CSR 40-5.050; 12/17/01
announcers; 4 CSR 40-4.060; 12/17/01
boxing rules; 4 CSR 40-5.040; 12/17/01
contestants; 4 CSR 40-4.090; 12/17/01
custodian of public records; 4 CSR 40-1.030; 12/17/01
definitions; 4 CSR 40-1.021; 12/17/01
disciplinary, appeal procedures; 4 CSR 40-7.010; 12/17/01
elimination contest; 4 CSR 40-5.070; 12/17/01
facility, equipment; 4 CSR 40-6.010; 12/17/01
fees, document search; 4 CSR 40-1.031; 12/17/01
full-contact karate, kickboxing; 4 CSR 40-5.060; 12/17/01
inspectors; 4 CSR 40-5.010; 12/17/01
judges; 4 CSR 40-4.080; 12/17/01
licenses; 4 CSR 40-2.011; 12/17/01
matchmakers; 4 CSR 40-4.020; 12/17/01
organization; 4 CSR 40-1.010; 12/17/01
permits; 4 CSR 40-2.021; 12/17/01
physicians; 4 CSR 40-4.040; 12/17/01
promoters; 4 CSR 40-4.015; 12/17/01
referees; 4 CSR 40-4.030; 12/17/01
seconds; 4 CSR 40-4.070; 12/17/01
tickets and taxes; 4 CSR 40-3.011; 12/17/01
timekeepers; 4 CSR 40-4.050; 12/17/01
wrestling rules; 4 CSR 40-5.030; 12/17/01

ATHLETIC TRAINERS, REGISTRATION OF

definitions; 4 CSR 150-6.010; 9/4/01, 12/17/01

ATTORNEY GENERAL, OFFICE OF THE

no-call database
 access; 15 CSR 60-13.060; 10/15/01, 2/1/02
reporting of motor vehicle stops
 forms; 15 CSR 60-10.030; 9/4/01, 12/17/01
 report to attorney general; 15 CSR 60-10.020; 9/4/01,
 12/17/01

BINGO

games; 11 CSR 45-5.290; 1/16/02
promotions; 11 CSR 45-30.025; 12/3/01

CEMETERIES, ENDOWED CARE

application; 4 CSR 65-2.010; 11/1/01
fees; 4 CSR 65-1.060; 11/1/01
license renewal; 4 CSR 65-2.050; 11/1/01

CERTIFICATE OF NEED PROGRAM

administration; 19 CSR 60-50.900; 1/16/02
 application
 package; 19 CSR 60-50.430; 1/16/02
 process; 19 CSR 60-50.420; 1/16/02
 criteria and standards
 alternatives; 19 CSR 60-50.480; 1/16/02
 equipment; 19 CSR 60-50.440; 1/16/02
 financial feasibility; 19 CSR 60-50.470; 1/16/02
 hospital, freestanding health services; 19 CSR 60-50.440; 1/16/02
 long-term care; 19 CSR 60-50.450; 1/16/02
 other health services, emerging technology; 19 CSR 60-50.460; 1/16/02
 decisions; 19 CSR 60-50.600; 1/16/02
 post-decision activity; 19 CSR 60-50.700; 1/16/02
 definitions; 19 CSR 60-50.300; 1/16/02
 health service guidelines; 19 CSR 60-50.310; 1/16/02
 information, additional; 19 CSR 60-50.500; 1/16/02
 letter of intent
 package; 19 CSR 60-50.410; 1/16/02
 process; 19 CSR 60-50.400; 1/16/02
 meeting procedures; 19 CSR 60-50.800; 1/16/02
 purpose and structure; 19 CSR 60-50.200; 1/16/02
 review process; 19 CSR 60-50.420; 1/16/02

CHILD SUPPORT ENFORCEMENT

service fees
 annual; 13 CSR 30-10.010; 12/17/01
 monthly; 13 CSR 30-10.020; 7/16/01

CLEAN WATER COMMISSION

40% construction grant; 10 CSR 20-4.023; 4/16/01
 groundwater remediation; 10 CSR 20-7.040; 2/1/02
 hardship grants; 10 CSR 20-4.043; 4/16/01
 storm water regulations; 10 CSR 20-6.200; 10/15/01

CONSERVATION COMMISSION

areas, closed; 3 CSR 10-11.115; 11/1/01
 black bass; 3 CSR 10-6.505; 6/1/01, 8/15/01
 boats, motors; 3 CSR 10-11.160; 11/1/01;
 3 CSR 10-12.110; 6/1/01, 8/15/01, 12/17/01
 deer
 hunting; 3 CSR 10-11.182; 10/1/01, 12/17/01
 endangered species; 3 CSR 10-4.111; 2/1/02
 falconry; 3 CSR 10-9.442; 10/1/01
 fishing
 length limits; 3 CSR 10-11.215, 3 CSR 10-12.145; 10/1/01, 12/17/01
 limits, daily and possession; 3 CSR 10-11.210, 3 CSR 10-12.140; 10/1/01, 12/17/01
 methods; 3 CSR 10-6.410; 3 CSR 10-12.135; 10/1/01, 12/17/01
 seasons; 3 CSR 10-11.200; 6/1/01, 8/15/01, 10/1/01, 12/17/01
 migratory game birds; 3 CSR 10-7.440; 10/1/01
 organization; 3 CSR 10-1.010; 9/17/01, 12/3/01
 permits
 nonresident firearms deer
 any-deer hunting; 3 CSR 10-5.551; 10/1/01, 2/1/02
 hunting; 3 CSR 10-5.550; 10/1/01, 2/1/02
 managed deer hunt; 3 CSR 10-5.559; 10/1/01, 2/1/02
 turkey archers; 3 CSR 10-5.560; 10/1/01, 2/1/02
 nonresident; 3 CSR 10-5.565; 10/1/01, 2/1/02
 provisions; 3 CSR 10-6.405; 11/1/01, 2/1/02
 turkey season; 3 CSR 10-7.455; 2/1/02

COSMETOLOGY, STATE BOARD OF

change of mailing address; 4 CSR 90-13.070; 1/2/02
 esthetic schools; 4 CSR 90-2.030; 1/2/02
 hours; 4 CSR 90-8.010; 1/2/02
 instructor license; 4 CSR 90-12.080; 1/2/02
 manicuring schools; 4 CSR 90-2.020; 1/2/02
 practice outside, away from beauty shop; 4 CSR 90-4.020; 1/2/02
 schools; 4 CSR 90-2.010; 1/2/02

CREDIT UNIONS

call reports; 4 CSR 100-2.160; 9/17/01, 1/16/02
 loans; 4 CSR 100-2.040; 9/17/01, 1/16/02
 service organization; 4 CSR 100-2.085; 1/2/02

DEAF, MISSOURI COMMISSION FOR THE

appeal rights; 5 CSR 100-200.180; 9/4/01, 2/1/02
 application; 5 CSR 100-200.050; 9/4/01, 2/1/02
 certification
 maintenance; 5 CSR 100-200.130; 9/4/01, 2/1/02
 renewal; 5 CSR 100-200.125; 9/4/01, 2/1/02
 restricted; 5 CSR 100-200.040; 9/4/01, 2/1/02
 validation; 5 CSR 100-200.120; 9/4/01, 2/1/02
 conversion procedure; 5 CSR 100-200.100; 9/4/01, 2/1/02
 enforcement; 5 CSR 100-200.200; 9/4/01, 2/1/02
 evaluation; 5 CSR 100-200.070; 9/4/01, 2/1/02
 performance; 5 CSR 100-200.080; 9/4/01, 2/1/02
 examination, written; 5 CSR 100-200.060; 9/4/01, 2/1/02
 fees; 5 CSR 100-200.150; 9/4/01, 2/1/02
 grandfather clause; 5 CSR 100-200.110; 9/4/01, 2/1/02
 grievance procedure; 5 CSR 100-200.180; 9/4/01, 2/1/02
 interpreter certification system; 5 CSR 100-200.030; 9/4/01, 2/1/02
 mentorship; 5 CSR 100-200.175; 9/4/01, 2/1/02
 name and address change; 5 CSR 100-200.140; 9/4/01, 2/1/02
 organization; 5 CSR 100-200.010; 9/4/01, 2/1/02
 permit
 intern/practicum eligibility; 5 CSR 100-200.085; 9/4/01, 2/1/02
 restricted; 5 CSR 100-200.040; 9/4/01, 2/1/02
 temporary; 5 CSR 100-200.090; 9/4/01, 2/1/02
 recertification, voluntary; 5 CSR 100-200.075; 9/4/01, 2/1/02
 reinstatement; 5 CSR 100-200.210; 9/4/01, 2/1/02
 skill level standards; 5 CSR 100-200.170; 9/4/01, 2/1/02
 test, written; 5 CSR 100-200.060; 9/4/01, 2/1/02

DENTAL BOARD, MISSOURI

continuing dental education; 4 CSR 110-2.240; 1/16/02
 deep sedation/anesthesia; 4 CSR 110-2.180; 7/16/01, 12/17/01
 fees; 4 CSR 110-2.170; 7/16/01, 12/17/01, 1/16/02

DRIVERS LICENSE BUREAU RULES

day disqualifications, stacking; 12 CSR 10-24.442; 7/16/01, 11/1/01
 deletion of violations; 12 CSR 10-24.050; 11/1/01
 hearings; 12 CSR 10-24.030; 9/4/01, 10/15/01, 1/2/02
 instruction permits; 12 CSR 10-24.402; 11/1/01
 J88 notation, deaf, hard of hearing; 12 CSR 10-24.470; 12/17/01
 prohibit release of information; 12 CSR 10-24.462; 11/1/01
 railroad crossing violations; 12 CSR 10-24.465; 7/2/01, 11/1/01
 retesting requirements; 12 CSR 10-24.190; 11/1/01
 third party tester; 12 CSR 10-24.326; 11/1/01
 written examination; 12 CSR 10-24.300; 11/1/01

ELECTIONS

electronic voting machines
 ballot tabulation; 15 CSR 30-10.040; 9/17/01, 1/16/02
 election procedures; 15 CSR 30-10.060; 9/17/01, 1/16/02
 certification statement; 15 CSR 30-10.020; 9/17/01, 1/16/02

paper ballots; 19 CSR 30-9.030; 9/17/01, 1/16/02
postcard voter applications; 15 CSR 30-4.010; 9/17/01, 1/16/02
punch card voting systems; 15 CSR 30-9.010; 9/17/01, 1/16/02
optical scan voting systems; 15 CSR 30-9.020; 9/17/01, 1/16/02

ELEMENTARY AND SECONDARY EDUCATION

academically deficient schools; 5 CSR 50-340.110; 11/1/01
calculation of previous per eligible pupil; 5 CSR 30-660.050;
12/3/01
certificate to teach
classifications; 5 CSR 80-800.360; 12/3/01
cost of education index; 5 CSR 30-660.030; 12/3/01
definitions; 5 CSR 90-7.010; 8/1/01, 12/3/01
districts, school
annual public reporting; 5 CSR 30-4.040, 5 CSR 50-
340.200; 12/3/01
collection of reports; 5 CSR 30-4.045; 12/3/01
innovative or alternative programs; 5 CSR 80-805.030; 12/3/01
personal care assistance program
appeals; 5 CSR 90-7.300; 8/1/01, 12/3/01
eligibility; 5 CSR 90-7.100; 8/1/01, 12/3/01
hearings; 5 CSR 90-7.320; 8/1/01, 12/3/01
informal review; 5 CSR 90-7.310; 8/1/01, 12/3/01
providers; 5 CSR 90-7.200; 8/1/01, 12/3/01
salaries, minimum; 5 CSR 30-660.040; 12/3/01
teacher loans, forgivable; 5 CSR 80-850.025; 8/1/01, 12/3/01
vocational-technical education enhancement grant; 5 CSR 60-
120.070; 11/1/01
waiver of regulations; 5 CSR 30-345.020 (changed to 5 CSR
50-345.020); 7/2/01, 12/3/01

EMBALMERS AND FUNERAL DIRECTORS

funeral directing; 4 CSR 120-2.060; 12/3/01
funeral establishments; 4 CSR 120-2.070; 12/3/01
license renewal; 4 CSR 120-2.020; 12/3/01
licensure by reciprocity; 4 CSR 120-2.040; 12/3/01
miscellaneous rules; 4 CSR 120-2.050; 12/3/01
organization; 4 CSR 120-1.010; 12/3/01
public records; 4 CSR 120-2.120; 12/3/01
registration, apprenticeship; 4 CSR 120-2.010; 12/3/01
vital statistics, registration; 4 CSR 120-2.030; 12/3/01

EMERGENCY MANAGEMENT AGENCY, STATE

definitions; 11 CSR 10-11.220; 2/1/02
EPCRA reporting procedures; 11 CSR 10-11.240; 2/1/02
fees, hazardous chemicals; 11 CSR 10-11.250; 2/1/02
notification, releases of substances; 11 CSR 10-11.230; 2/1/02
organization; 11 CSR 10-11.210; 2/1/02

ENERGY ASSISTANCE

low energy assistance program; 13 CSR 40-19.020; 10/15/01

ETHICS COMMISSION

fee, late; 1 CSR 50-3.010; 11/15/01

GAMING COMMISSION

application, class A; 11 CSR 45-4.030; 12/3/01
commission records; 11 CSR 45-3.010; 6/15/01, 11/1/01
definitions; 11 CSR 45-1.090; 1/16/02
identification badge; 11 CSR 45-4.410; 1/16/02
liquor control; 11 CSR 45-12.090; 1/16/02
occupational license; 11 CSR 45-4.260; 12/3/01; 11 CSR 45-
4.420; 1/16/02
application, fees; 11 CSR 45-4.380; 6/15/01, 11/1/01
levels; 11 CSR 45-4.400; 1/16/02
record keeping
manufacturer; 11 CSR 45-30.395; 11/1/01
suppliers; 11 CSR 45-30.525; 11/1/01
reports; 11 CSR 45-8.050; 1/16/02

riverboat safety
inspections; 11 CSR 45-6.025; 1/16/02
standards; 11 CSR 45-6.020; 1/16/02
rules of play; 11 CSR 45-30.190; 11/1/01
supplier's license; 11 CSR 45-4.200; 12/3/01
affiliate; 11 CSR 45-4.205; 12/3/01
transmittal of record; 11 CSR 45-13.070; 1/16/02

GEOLOGIST REGISTRATION, MISSOURI BOARD OF
fees; 4 CSR 145-1.040; 5/15/01, 9/4/01, 12/3/01

HAZARDOUS WASTE PROGRAM

definitions; 10 CSR 25-3.260; 1/16/02
fees and taxes; 10 CSR 25-12.010; 1/16/02
transporters, standards; 10 CSR 25-6.263; 1/16/02

HEALTH CARE PLAN, MISSOURI CONSOLIDATED

benefit provision, covered charges; 22 CSR 10-2.055; 1/16/02
definitions; 22 CSR 10-2.010; 1/16/02
HMO and POS limitations; 22 CSR 10-2.067; 1/16/02
review and appeals procedures; 22 CSR 10-2.075; 1/16/02
summary of medical benefits
co-pay plan; 22 CSR 10-2.045; 1/16/02
HMO/POS premium option; 22 CSR 10-2.063; 1/16/02
HMO/POS standard option; 22 CSR 10-2.064; 1/16/02
PPO plan; 22 CSR 10-2.040; 1/16/02
staff model; 22 CSR 10-2.065; 1/16/02

HEALTH MAINTENANCE ORGANIZATIONS

monitoring of; 19 CSR 10-5.010; 11/1/01

HEARING INSTRUMENT SPECIALISTS

continuing education; 4 CSR 165-2.050; 9/4/01, 2/1/02
fees; 4 CSR 165-1.020; 9/4/01, 2/1/02
license renewal; 4 CSR 165-2.060; 9/4/01, 2/1/02

HIGHER EDUCATION

proprietary schools; 6 CSR 10-5.010; 12/1/00, 3/15/01, 6/15/01
student loan program; 6 CSR 10-2.030; 12/3/01

HOSPITALS AND AMBULATORY SURGICAL CENTERS

administration; 19 CSR 30-20.015; 8/1/01, 1/2/02
definitions; 19 CSR 30-20.011; 8/1/01, 1/2/02
organization and management; 19 CSR 30-20.021; 8/1/01, 1/2/02

INSURANCE, DEPARTMENT OF

accounting standards, principles; 20 CSR 200-1.020; 1/16/02
affiliated transactions; 20 CSR 200-11.130; 1/16/02
extended Missouri mutual companies; 20 CSR 200-12.020;
7/16/01, 11/15/01
financial statement, diskette filing; 20 CSR 200-1.030; 7/16/01,
11/15/01
foreign insurers, certificate; 20 CSR 200-17.200; 240-122.080;
7/16/01, 11/15/01
holding company system, forms; 20 CSR 200-11.101; 7/16/01,
11/15/01
licensing requirements; 20 CSR 200-6.600; 10/15/01, 2/1/02
life insurance policies; 20 CSR 200-1.160; 10/15/01, 2/1/02
material transactions, affiliates; 20 CSR 200-11.120; 7/16/01,
11/15/01
medical malpractice award; 20 CSR; 3/1/00, 3/1/01
privacy of financial information; 20 CSR 100-6.100; 7/16/01,
10/1/01
procedure for forming a domestic company; 20 CSR 200-17.100;
7/16/01, 11/15/01
redomestication; 20 CSR 200-17.300; 7/16/01, 11/15/01
referenced or adopted materials; 20 CSR 10-1.020; 1/16/02
sovereign immunity limits; 20 CSR; 3/15/00, 1/2/01, 1/2/02
workers compensation; 20 CSR 500-6.700; 11/1/01

LAND RECLAMATION

industrial mineral open pit, in-stream sand and gravel operations
performance requirements; 10 CSR 40-10.050; 9/17/01
permit application; 10 CSR 40-10.020; 9/17/01

LIVESTOCK

price reporting, purchases by packers; 2 CSR 10-5.010; 7/2/01
public complaint handling; 2 CSR 10-5.015; 11/15/01

MARITAL AND FAMILY THERAPISTS, STATE COMMITTEE OF

educational requirements; 4 CSR 233-2.010; 7/2/01, 10/15/01
examination; 4 CSR 233-2.040; 7/2/01, 10/15/01
experience, supervised; 4 CSR 233-2.020; 7/2/01, 10/15/01
fees; 4 CSR 233-1.040; 7/2/01, 10/15/01
supervisors; 4 CSR 233-2.021; 7/2/01, 10/15/01

MEDICAID

excludable drugs; 13 CSR 70-20.031; 10/15/01
federal reimbursement allowance; 13 CSR 70-15.110; 7/2/01, 10/15/01, 2/1/02
filing of claims; 13 CSR 70-3.100; 11/1/01
hospices services; 13 CSR 70-50.010; 10/1/01, 2/1/02
nonexcludable drugs; 13 CSR 70-20.034; 10/15/01
nursing facilities; 13 CSR 70-10.110; 10/1/01, 2/1/02
trend indices; 13 CSR 70-15.010; 10/1/01, 2/1/02
settlements; 13 CSR 70-15.040; 10/1/01, 2/1/02

MENTAL HEALTH, DEPARTMENT OF

administration; 9 CSR 30-4.032; 2/1/02
admission criteria; 9 CSR 30-4.042; 2/1/02
alcohol and drug abuse programs
detoxification; 9 CSR 30-3.120; 11/15/01
methadone treatment; 9 CSR 30-3.132; 11/15/01
outpatient treatment; 9 CSR 30-3.130; 11/15/01
prevention programs; 9 CSR 30-3.300; 11/15/01
residential treatment; 9 CSR 30-3.140; 11/15/01
certification, centers; 9 CSR 30-4.031; 2/1/02
client records; 9 CSR 30-4.035; 2/1/02
definitions; 9 CSR 30-4.030; 2/1/02
personnel; 9 CSR 30-4.034; 2/1/02
protest and appeals procedures; 9 CSR 25-2.505; 1/16/02
psychiatric and substance abuse programs
rights, responsibilities, grievances; 9 CSR 10-7.020; 1/16/02
service delivery process; 9 CSR 10-7.030; 1/16/02
rehabilitation, intensive; 9 CSR 30-4.045; 2/1/02
service provision; 9 CSR 30-4.039; 2/1/02
treatment; 9 CSR 30-4.043; 2/1/02

MOTORCYCLE SAFETY EDUCATION PROGRAM

definitions; 11 CSR 60-1.010; 12/17/01
quality assurance visits; 11 CSR 60-1.100; 12/17/01
student admission; 11 CSR 60-1.040; 12/17/01
training courses, approved; 11 CSR 60-1.060; 12/17/01
verification, course completion; 11 CSR 60-1.050; 12/17/01

MOTOR VEHICLE

air, vacuum brake systems; 11 CSR 50-2.170; 12/3/01
brake performance; 11 CSR 50-2.150; 12/3/01
glazing, glass; 11 CSR 50-2.270; 9/17/01, 1/2/02
Internet renewal of license plates; 12 CSR 10-23.452; 7/16/01, 11/1/01
inspection station requirements; 11 CSR 50-2.020; 9/17/01, 1/2/02
MVI-2 form; 11 CSR 50-2.120; 9/17/01, 1/2/02
nonresident disabled person windshield placard; 12 CSR 10-23.275; 11/1/01

school bus

inspection; 11 CSR 50-2.320; 12/3/01
special education buses; 11 CSR 50-2.321; 12/3/01
tires; 11 CSR 50-2.240; 12/3/01
window tinting; 11 CSR 30-7.010; 9/17/01, 1/2/02

NEWBORN HEARING SCREENING PROGRAM

definitions; 19 CSR 40-9.010; 9/4/01, 12/17/01
information reported to department; 19 CSR 40-9.040; 9/4/01, 12/17/01
methodologies; 19 CSR 40-9.020; 9/4/01, 12/17/01

NURSING HOME ADMINISTRATORS

cumulative point-value system; 13 CSR 73-2.041; 6/1/01, 10/1/01
examination; 13 CSR 73-2.070; 1/2/02
fees; 13 CSR 73-2.015; 1/2/02
licensure; 13 CSR 73-2.020; 6/1/01, 10/1/01

NURSING HOME PROGRAM

enhancement pools; 13 CSR 70-10.150; 8/1/01, 11/15/01
pediatric care; 13 CSR 70-10.050; 12/17/01
reimbursement; 13 CSR 70-10.015; 9/17/01, 1/2/02

OCCUPATIONAL THERAPY, MISSOURI BOARD OF application

assistant therapist; 4 CSR 205-3.020; 1/2/02
therapist; 4 CSR 205-3.010; 1/2/02
release of public records; 4 CSR 205-1.030; 1/2/02

OPTOMETRY, DIVISION OF

fees; 4 CSR 210-2.070; 1/16/02
license renewal; 4 CSR 210-2.030; 1/16/02

PETROLEUM STORAGE TANK INSURANCE FUND

aboveground storage tanks; 10 CSR 100-4.020; 12/17/01
assessment of transport fee; 10 CSR 100-3.010; 12/17/01
claims for cleanup costs; 10 CSR 100-5.010; 12/17/01
underground storage tanks; 10 CSR 100-4.010; 12/17/01

PHARMACY, STATE BOARD OF

drug distributor licensing; 4 CSR 220-5.020; 5/15/01, 10/1/01
permits; 4 CSR 220-2.020; 1/2/01
prescriptions
electronic transmission; 4 CSR 220-2.085; 5/15/01, 10/1/01, 12/17/01
standards of operation; 4 CSR 220-2.010; 9/4/01, 1/2/02
Class J, shared services; 4 CSR 220-2.650; 1/2/02

PODIATRIC MEDICINE, STATE BOARD OF

public records; 4 CSR 230-2.045; 12/3/01

POLICE COMMISSIONERS, ST. LOUIS BOARD OF

administration, command; 17 CSR 20-2.015; 10/15/01
authority; 17 CSR 20-2.065; 10/15/01
complaint/disciplinary procedures; 17 CSR 20-2.125; 10/15/01
definitions; 17 CSR 20-2.025; 10/15/01
drug testing; 17 CSR 20-2.135; 10/15/01
duties; 17 CSR 20-2.075; 10/15/01
equipment; 17 CSR 20-2.095; 10/15/01
field inspection; 17 CSR 20-2.115; 10/15/01
licensing; 17 CSR 20-2.035; 10/15/01
personnel records, fees; 17 CSR 20-2.045; 10/15/01
training; 17 CSR 20-2.055; 10/15/01
uniforms; 17 CSR 20-2.085; 10/15/01
weapons; 17 CSR 20-2.105; 10/15/01

PUBLIC DRINKING WATER PROGRAM

lead and copper
corrosion control
requirements; 10 CSR 60-15.030; 9/17/01
treatment; 10 CSR 60-15.020; 9/17/01

monitoring; 10 CSR 60-7.020; 9/17/01
source water; 10 CSR 60-15.090; 9/17/01
supplemental; 10 CSR 60-15.060; 9/17/01
tap water; 10 CSR 60-15.070; 9/17/01
water quality parameters; 10 CSR 60-15.080; 9/17/01
prohibition; 10 CSR 40-10.040; 9/17/01
public education; 10 CSR 60-15.060; 9/17/01
service line replacement; 10 CSR 60-15.050; 9/17/01

PUBLIC SERVICE COMMISSION

cold weather rule; 4 CSR 240-13.055; 12/3/01
disposition of contested cases; 4 CSR 240-2.117; 1/16/02
electric service territorial agreements
fees; 4 CSR 240-21.010; 7/2/01, 12/3/01
electronic filing; 4 CSR 240-2.045; 1/16/02
evidence; 4 CSR 240-2.130; 10/15/01
intervention; 4 CSR 240-2.075; 1/16/02
modular units
approval, manufacturing program; 4 CSR; 240-123.040;
7/16/01, 12/17/01
code; 4 CSR; 240-123.080; 7/16/01, 12/17/01
dealer setup responsibilities; 4 CSR 240-123.065; 7/16/01,
12/17/01
definitions; 4 CSR 240-123.010; 7/16/01, 12/17/01
monthly reports; 4 CSR 240-123.070; 7/16/01, 12/17/01
seals; 4 CSR 240-123.030; 7/16/01, 12/17/01
new manufactured homes
code; 4 CSR 240-120.100; 6/1/01, 11/1/01
dealer setup responsibilities; 4 CSR 240-120.065; 7/16/01,
12/17/01
definitions; 4 CSR 240-120.011; 7/16/01, 12/17/01
monthly reports; 4 CSR 240-120.130; 7/2/01
pleadings, filing, service; 4 CSR 240-2.080; 10/15/01
pre-owned manufactured homes
administration, enforcement; 4 CSR 240-121.020; 6/1/01,
11/1/01
complaints, review of director action; 4 CSR 240-121.060;
6/1/01, 11/15/01
dealer setup responsibilities; 4 CSR 240-121.055; 7/16/01,
12/17/01
definitions; 4 CSR 240-121.010; 6/1/01, 11/15/01
inspection
dealer books, records, inventory, premises; 4 CSR 240-
121.040; 6/1/01, 11/1/01
homes, rented, leased, sold by persons other than
dealers; 4 CSR 240-121.050; 6/1/01, 11/15/01
setup, proper and initial; 4 CSR 240-121.090; 6/1/01,
11/1/01
recreational vehicles
administration, enforcement; 4 CSR 240-122.020; 7/16/01,
12/17/01
approval, manufacturing program; 4 CSR; 240-122.040;
7/16/01, 12/17/01
code; 4 CSR; 240-122.080; 7/16/01, 12/17/01
complaints; 4 CSR 240-122.090; 7/16/01, 12/17/01
definitions; 4 CSR 240-122.010; 7/16/01, 12/17/01
inspection
dealers, books; 4 CSR 240-122.060; 7/16/01, 12/17/01
manufacturer, books; 4 CSR 240-122.050; 7/16/01,
12/17/01
vehicles; 4 CSR 240-122.070; 7/16/01, 12/17/01
seals; 4 CSR; 240-122.030; 7/16/01, 12/17/01
stipulations agreements; 4 CSR 240-2.115; 1/16/02
telephone corporations, reporting
definitions; 4 CSR 240-35.010; 9/4/01, 2/1/02
provisions; 4 CSR 240-35.020; 9/4/01, 2/1/02
reporting of bypass, customer specific arrangements;
4 CSR 240-35.030; 9/4/01, 2/1/02

tie-down systems, manufactured homes
anchoring standards; 4 CSR 240-124.045; 7/16/01, 12/17/01
approval; 4 CSR 240-124.040; 7/16/01, 12/17/01
definitions; 4 CSR 240-124.010; 7/16/01, 12/17/01
utilities
income; 4 CSR 240-10.020; 9/4/01, 2/1/02
water service territorial agreements
fees; 4 CSR 240-51.010; 7/2/01, 12/3/01

REAL ESTATE COMMISSION

application, license fees; 4 CSR 250-5.020; 11/1/01

RESPIRATORY CARE, MISSOURI BOARD FOR

application; 4 CSR 255-2.010; 12/17/01
educational permit; 4 CSR 255-2.030; 12/17/01
temporary permit; 4 CSR 255-2.020; 12/17/01

RETIREMENT SYSTEMS

county employees' retirement fund
direct rollover option; 16 CSR 50-2.130; 8/15/01, 12/3/01
eligibility for benefits; 16 CSR 50-2.030; 6/1/01, 10/1/01
eligibility, participation; 16 CSR 50-2.030; 6/1/01, 10/1/01
service and compensation; 16 CSR 50-2.050; 9/17/01,
1/16/02
local government employees
hearings and proceedings; 16 CSR 20-3.010; 12/3/01
lump-sum cash payout; 16 CSR 20-2.056; 12/3/01
reemployment in LAGERS; 16 CSR 20-2.083; 12/3/01
nonteacher school employee
beneficiary; 16 CSR 10-6.090; 7/16/01, 11/1/01
reinstatement, credit purchases; 16 CSR 10-6.045; 9/17/01,
1/16/02
public school retirement system
beneficiary; 16 CSR 10-5.030; 7/16/01, 11/1/01
cost-of-living adjustments; 16 CSR 10-5.055; 9/17/01,
1/16/02
excess benefit arrangement; 16 CSR 10-5.070; 9/17/01,
1/16/02
reinstatement and credit purchases; 16 CSR 10-4.012;
9/17/01, 1/16/02
stipulations, agreements; 4 CSR 240-2.115; 1/16/02

SANITATION AND SAFETY STANDARDS

lodging establishments; 19 CSR 20-3.050; 8/1/01, 1/2/02

SECURITIES, DIVISION OF

affidavit, individual; 15 CSR 30-50.180; 1/16/02
agricultural cooperative association; 15 CSR 30-54.190; 12/3/01
answers and supplementary pleadings; 15 CSR 30-55.030;
12/3/01
application
agent; 15 CSR 30-50.120; 1/16/02
qualification; 15 CSR 30-50.150; 1/16/02
registration; 15 CSR 30-51.020; 1/16/02
sellers of agricultural cooperative; 15 CSR 30-50.220;
1/16/02
briefs; 15 CSR 30-55.110; 12/3/01
claim for exemption of cooperative association; 15 CSR 30-
50.210; 1/16/02
definitions; 15 CSR 30-50.010; 1/16/02
discovery; 15 CSR 30-55.080; 12/3/01
examination; 15 CSR 30-51.030; 1/16/02
exclusions from definitions; 15 CSR 30-51.180; 2/1/02
fees; 15 CSR 30-50.030; 1/16/02
financial condition; 15 CSR 30-50.170; 1/16/02
forms; 15 CSR 30-50.040; 1/16/02
general; 15 CSR 30-51.010; 1/16/02
instituting hearing before commissioner; 15 CSR 30-55.020;
12/3/01

instructions; 15 CSR 30-50.020; 1/16/02
investment company report of sales; 15 CSR 30-50.160; 1/16/02
motions, suggestions, legal briefs; 15 CSR 30-55.110; 12/3/01
notice of hearing; 15 CSR 30-55.040; 12/3/01
officers; 15 CSR 30-55.220; 12/3/01
prehearing
 conferences; 15 CSR 30-55.050; 12/3/01
 procedures; 15 CSR 30-55.025; 12/3/01
procedure and evidence; 15 CSR 30-55.090; 12/3/01
registration by notification; 15 CSR 30-50.130; 1/16/02
record of hearing; 15 CSR 30-55.070; 12/3/01
requirements; 15 CSR 30-51.160; 1/16/02
trading exemptions; 15 CSR 30-54.290; 2/1/02
who may request; 15 CSR 30-55.010; 12/3/01

SENIOR SERVICES, DIVISION OF

in-home service standards; 19 CSR 15-7.021; 10/15/01

SOIL AND WATER DISTRICTS COMMISSION

organization; 10 CSR 70-1.010; 2/1/02
annual rate of interest; 12 CSR 10-41.010; 12/3/01

TAX, SALES/USE

electrical energy; 12 CSR 10-110.600; 9/4/01, 1/2/02
exempt organizations; 12 CSR 10-110.955; 9/4/01, 1/16/02
printers, commercial; 12 CSR 10-111.100; 11/15/01

TAX, STATE COMMISSION

agricultural land productive value; 12 CSR 30-4.010; 2/1/02

TELEPHONE EQUIPMENT PROGRAM

adaptive telephone equipment; 8 CSR 5-1.010; 7/2/01, 10/15/01

TOBACCO

retailer employee training; 11 CSR 70-3.010; 11/1/01
sting operations; 11 CSR 70-3.020; 11/1/01

TOURIST ORIENTED DIRECTIONAL SIGNS

activities, eligibility; 7 CSR 10-22.040; 11/15/01
definitions; 7 CSR 10-22.020; 11/15/01

TREASURER, OFFICE OF THE

interest rate, linked deposit, loan categories; 15 CSR 50-2.050;
12/17/01

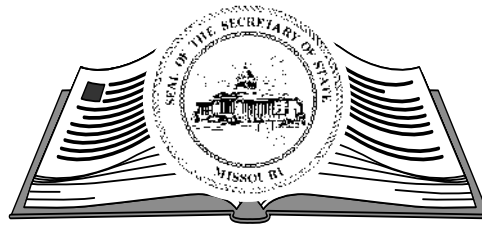
WEIGHTS AND MEASURES

installation requirements; 2 CSR 90-10.013; 1/2/02
National Fuel Gas Code; 2 CSR 90-10.020; 1/2/02
manufactured homes; 2 CSR 90-10.017; 1/2/02
registration, training; 2 CSR 90-10.012; 1/2/02
storage and handling; 2 CSR 90-10.040; 1/2/02

WELL CONSTRUCTION CODE

sensitive areas; 10 CSR 23-3.100; 6/1/01, 11/1/01

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